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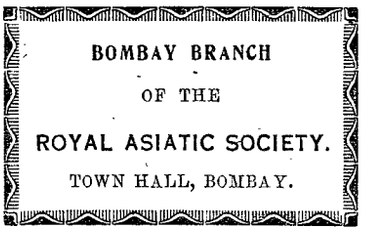

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Historical Collections

OF { *Private Passages of* STATE.
Weighty Matters in LAW.
Remarkable Proceedings in Five Parliaments.

BEGINNING

The Sixteenth Year of KING

JAMES,

ANNO 1618.

And ending the Fifth Year of KING

CHARLS,

ANNO 1629.

Digested in Order of TIME,

And now Published,

By *JOHN RUSHWORTH*

of *Lincolns-Inn*, Esq;

Prima est Historiæ lex, nè quid falsi dicere audeat; deinde, nè quid veri non audeat: nè qua suspicio gratiæ sit in scribendo, nè qua simultatis. M. T. Cicer. de Orat.

30868

LONDON, Printed by *J. A.* for *Robert Boulter* at the *Turks-head* in *Cornhill*, 1682.

POTENTISS. IACOBVS. D. G. MAGNÆ BRITANNIÆ, GALLIÆ, ET HIBERNIÆ REX. &c.

THE PREFACE.

MY Buſineſs in this enſuing Work, is to render a faithful Account of ſeveral Traverſes of State, and of the moſt important Paſſages in debate, between the reſpective Advocates for *Prerogative* and *Liberty*. The Diſpute (in the event) was Tragical and Fatal, as being the Introduction, and that which gave the Alarm to the *Civil War*; a War, fierce, unnatural, and full of wonderful Coincidences, both in the Cauſes and Conſequences of it. *Humanum eſt Humanis caſibus ingemiſcere.* Therefore if I ſtudied to pleaſe my ſelf, and gratifie the Inclination of my own Temper and Affection, you might peradventure hear from me of the Courage, Exploits and Succeſs of my Countrey-men in Forreign Expeditions, but not of their Animoſities in Domeſtick Encounters: Yet certainly,

ly, of ſome uſe it may be to us, and of concernment alſo to thoſe that may come after us, *Infandum renovare dolorem*, to conſider indifferently how we came to fall out among our ſelves, and ſo to learn the true Cauſes, the riſes and growths of our late *Miſeries*, the ſtrange Alterations and Revolutions; with the *Characters* of divers Eminent Perſons, the Mutability of *Councils*, the Remarkableneſs of *Actions*, the Subtilty of *Pretenſions*, and the Drifts of ſeveral *Intereſts*. From ſuch Premiſſes, the beſt Deduction which can be made, is, to look up to, and acknowledge *God*, who only is unchangeable, and to admire his Wiſdom and Providence, even in Humane Miſcarriages: For *Empires*, and *Kingdoms*, and *Common-wealths*, every where in the World, have their *Periods*, but the *Hiſtories* thereof remain and live, for the Inſtruction of *Men*, and Glory of *God*.

I find an Expreſſion in Sir *Walter Rawleigh*'s Preface to his *Hiſtory of the World*, which ſeems to ſuit well with theſe *Collections*. I ſhall make ſo far bold with that Memorable Perſon, whoſe Death bears a ſad part in this Story, as to borrow his own words.

It is not the leaſt debt (ſaith he) *which we owe unto Hiſtory, that it hath made us acquainted with our dead Anceſtors, and delivered us their Memory and Fame: Beſides, we gather out of it a Policy no leſs Wiſe than Eternal, by the Compariſon and Application of other Mens fore-paſſed Miſeries, with our own-like Errors and Ill-deſervings; but it is neither of Examples the moſt lively Inſtructions, nor the Words of the wiſeſt Men, nor the Terror of future Torments, that hath yet ſo wrought in*

our

our blind and ſtupified Minds, as to make us remember, That the infinite Eye and Wiſdom of God doth ſo pierce through all our pretences, as to make us remember, That the Juſtice of God doth require no other Accuſer than our own Conſciences.

A *And though it hath pleaſed God to reſerve the Art of reading mens Thoughts to himſelf; yet as the Fruit tells the name of the Tree, ſo do the outward Works of Men, ſo far as their Cogitations are acted, give us whereof to gueſs at the reſt: No man can long*

B *continue maſqued in a counterfeit behaviour; the things that are forced for pretences, having no ground of Truth, cannot long diſſemble their own natures.*

And although Religion (ſaith he) *and the truth*

C *thereof be in every mans mouth, what is it other than an univerſal diſſimulation? We profeſs that we know God, but by Works we deny him:* Beatitudo non eſt divinorum cognitio, ſed vita divina. *There is nothing more to be admired, nothing more to be la-*

D *mented, than the private contention, the paſſionate diſpute, the perſonal hatred,* &c. *about Religion amongſt Chriſtians, inſomuch as it hath well neer driven the practice thereof out of the World: So that we are in effect* (ſaith he) *become Comedians in Re-*

E *ligion: For* Charity, Juſtice, *and* Truth *have but their being in Terms amongſt us.*

In the Cloſe of his Preface, he adviſeth the Reader to take heed how he follows *Truth* too cloſe at the heels, leſt it ſtrike out his Teeth. I

F hope this Story begins with a diſtance of Time, not ſo far off, as the Footſteps of Truth are worn out; nor yet ſo near, as the heels of it need to be feared. But this I am ſure, That had I not gone

ſo far back as I do, I had not reached the *Fundamentals* to the *Hiſtory of theſe times.* It hath been obſerved by ſome, That moſt Hiſtorians ſpeak too much, and ſay too little: I doubt others will think, I ſpeak too little and ſay too much. So it will be difficult to pleaſe all. A

I know very well, the *Collections* which I publiſh will receive no advantage nor commendation from the *Collector:* And that it may likewiſe receive no prejudice, I am as ready to confeſs, as any man in the World is to object, my wants and inabilities; which indeed, to men of ſober Diſcourſe, may render me unfit to be entertained in the Council, but not unqualified to be Impanelled of the Jury: For I began early to take in *Characters*, Speeches and Paſſages at Conferences in Parliament, and from the King's own mouth, when he ſpake to both the Houſes; and have been upon the Stage continually, and an Eye and Ear-witneſs of the greateſt Tranſactions; imployed as an Agent in, and intruſted with Affairs of weightieſt Concernment; Privy alſo both to the Debates in Parliament, and to the moſt ſecret Reſults of Councils of War, in times of Action. Which I mention without oſtentation; onely to qualifie me to report to Poſterity, what will rather be their wonder at firſt, than their belief: It is pitty they ſhould altogether be deprived of the advantages which they may reap from our Misfortunes. Hereafter they will hear, that every man almoſt in this Generation durſt fight for what either was, or pretended to be Truth: They ſhould alſo know that ſome durſt write the Truth, whilſt other mens Fancies were more buſie than their Hands, forging Relations, B C D E F

Relations, building and battering Caſtles in the Air; publiſhing Speeches as ſpoken in Parliament, which were never ſpoken there; Printing Declarations which were never paſſed, relating Battels which were never fought, and Victories which were never obtained; diſperſing Letters which were never writ by the Authors; together with many ſuch Contrivances, to abet a Party or Intereſt. *Pudet hæc opprobria.* Such practiſes, and the experience I had thereof, and the impoſſibility for any man in After-ages to ground a true Hiſtory, by relying on the Printed Pamphlets in our days, which paſſed the Preſs whilſt it was without control, obliged me to all the pains and charge I have been at for many years together, to make a great *Collection*; and whilſt things were freſh in memory, to ſeparate Truth from Falſhood, things real from things fictitious or imaginary. Whereof I ſhall not at all repent, if I may but prove an ordinary Inſtrument to undeceive thoſe that come after us.

If you demand why my *Collections* commence ſo early, and ſtart at ſuch a diſtance of time ſo remote, I muſt anſwer, That it was at firſt in my purpoſe to begin with the Parliament which met *Nov.* 3. 1640. But after I had peruſed, ordered, and compared my Printed and Manuſcript-Relations of the Firſt year of that Parliament, I found they pointed at, and were bottom'd upon ſome Actions of the late King, in diſſolving four preceding Parliaments: And thereupon, the zeal I had to clear the truth of the Differences between the King and Parliament, forced me to a longer Adventure; eſpecially ſeeing the Eſſay had been very imperfect, and but a meer

fragment, if I had only writ the Death, and not the Life of a Prince, who, in the firſt Speech that ever he made in his firſt Parliament, did reflect upon ſome Paſſages in a former Parliament, that adviſed his Father to break off the two Treaties with *Spain*, touching a Marriage, and the Reſtitution of the *Palatinate*; and ſo engaged the Father in a War, which the Son was, by him, left to Proſecute. And this Conſideration put me upon a further enquiry concerning the aforeſaid Treaties, the Cauſes and Grounds of the War in the *Palatinate*, and how far the ſame concerned *England*, and the oppreſſed Proteſtants in *Germany*: And finding thoſe proceedings to have their riſe in the Year 1618. (in which Year the *Blazing-Star* appeared) I reſolved that very inſtant ſhould be the *Ne plus ultra* of my Retroſpect.

I allow and accept it as a good *Memento*, which I meet with in a late Author; *That moſt Writers now adays appear in Publick, not crook-backed* (as it is reported of the *Jews*) *but crook-ſided, warped, and bowed to the right, or to the left.* For I have heartily ſtudied to declare my ſelf unbiaſſed, and to give an inſtance, That it is poſſible for an Ingenuious Man to be of a *Party*, and yet not *Partial*.

I pretend only in this Work to a bare Narrative of matter of Fact, digeſted in order of time; not interpoſing my own Opinion, or interpretation of Actions. I infuſe neither Vinegar nor Gall into my Ink: If I mention a Charge or Impeachment, it relates alſo to the Defence that was made by the Accuſed. And though in theſe latter times, Titles, Names, and Dignities are altered; yet I uſe the Language of that Time

of

of which I write, ſpeaking as the then Parliaments ſpake, and not robbing any man of the honour or Epithite which they then pleaſed to give him. If I ſpeak of any tranſactions which I my ſelf did not ſee or hear, I do ſo with all the caution imaginable, having firſt conſulted Records, conferred with Perſons of unqueſtionable eſteem, intereſſed in the very Actions, or peruſed their known Hand-writings of thoſe Times; and where I make mention of any Letters or Paſſages ſcattered in Print, I firſt well weigh the ſame, and out of whoſe Cloſets they came, and found many of them concredited before I inſerted them.

And laſtly, where I doubted, I perfected my Intelligence by Foreign Correſpondencies, fetching my ſatisfaction in divers particulars out of *Germany*, *Spain*, and *Italy*.

Here you will have an intermixture of Secrets of State uſeful for States-men, and of matters of Law, which be of ſome uſe, not only to the profeſſors of it, but to every Engliſh-man; for though few profeſs the Law, yet all live by it; for it hedges in, and upholds the Rights, Liberties, and Properties: The matters of Law are not all bound up in one bundle, but you will find them diſperſed in interlocutory Speeches and Diſcourſes; ſome of them in Hiſtorical Narrations; and laſtly, in Polemical Debates and Arguments, taken by a Gentleman, then a young Student in the Law, which you will find in an Appendix placed at the end of the Book; and I hope the Reader will not think his minutes ill-beſtowed in reading of them, though out of place.

A great

A great part of the Work is filled up with remarkable Tranſactions in Parliament, and the Courſe and Proceedings thereof, wherein you will find, not only great Wit and Wiſdom, but choice Eloquence, and excellent Orators, *Diggs*, *Wentworth*, *Philips*, *Elliot*, *Glanvile*, and others, not much inferiour to the chiefeſt of the Roman *Demagogues*. I durſt not preſume to contract them to an Epitome or Abridgment, leſt by Eſſaying that, I might treſpaſs too much upon the Soil of other mens Inventions and Judgments, or prejudice Truth, or the Perſons, whoſe natural Offſprings they are. Here you have Debates, Siftings, and Conſultations of each Houſe apart; and alſo by Conferences each with other, (*Alterius ſic Altera poſcit opem Domus & conſultat Amice*) and Reſolutions of Parliaments, and ſome Laws which were the ultimate production of theſe Coünſels and Debates.

The *Second Part* of my Collections, Commencing with the year 1630. and ending in *November* 1640. (wherein is contained the Tranſactions of Eleven years interval of Parliament) makes but the *Second Part* of my Introduction to the Hiſtory of the *Civil War*, which afterwards happened, but is not intended to be publiſhed, but at a greater diſtance of time, which I ſhall write with the more confidence, becauſe I did perſonally attend and obſerve all Occurrences of moment during that Interval in the *Star-Chamber*, *Court of Honour*, and *Exchequer-Chamber*, when all the Judges of *England* met there upon extraordinary Caſes; at the Council-Table, when great Cauſes were heard before the King and Council:

And

And when matters were agitated at a greater distance, I was there also, and went on purpose out of a curiosity to see and observe the passages of the Camp at *Barwick*, at the Fight at *Newborn*, at the Treaty at *Rippon*, at the Great Council at A *York*, and at the Meeting of the long Parliament, and present every day at the Trial of the Earl of *Straford*. The Observations I made during all the said time shall be further known, if I be encouraged to proceed, and that this my *Forlorn* be B not repelled and defeated.

Thus have I (good *Reader*) acquainted thee in plain English, with the Lines and rude Draughts of what hath been, and what is like to be, *multorum annorum opus*; in which as I never did approve, so neither could I perswade my C self to tread in their Steps, who intermingle their Passion with their Stories, and are not content to write of, unless they write also for a Party, or to serve an Interest; and so declare themselves D far better *Advocates* than *Historians*: I profess that in singleness of heart, I am at *Truth*, which to me has always seemed hugely amiable, even without the tires and advantages of Wit and Eloquence: And therefore, in order to my greatest E purpose, I have esteemed the most unaffected and familiar Stile the best; *Altum alii teneant*. And so irresistable is the force of Truth, and the Divine Providence so great, that howsoever all possible diligence may have been used to carry F things in secret, and to act by colourable Pretences (Men often acting like Tumblers, that are squint-eyed, looking one way, and aiming another) yet in these our days hath God brought great

great things to light, discovering many secrets and close contrivances, many private consultations and hidden designs, which otherwise probably, neither we nor our posterity should have ever known. I conclude this my Preface with the Remarque of a Learned *Spaniard*, on History in general: *Satis est Historiæ, si sit vera; quæ ut reliqua habeat omnia, si veritatem non habeat, obtinere nomen suum non potest.*

J. RUSHWORTH.

Τὸ Σωίταγμα πρὸς τὸ Τυχόντα.

Βρετλανῶν τὰ δίκαια λέγω, πείθω τε, νοοῦντες,
πρήξεις, καὶ πάσης πρήξιος ὄντα χέρων.
Ὄμματιν εἰς με βλέπων χαλεπῆς, ἀέκοντί τε θυμῷ,
αὐτὸς μὲν πολλοῖς, ζοὶ δ' τις ὁ φθονέοι.

(h. e.)

Anglorum leges, Suadam, consulta Senatus,
ausaque cuncta loquor, tempore quæque suo.
Excipis adverso si pectore, & ore maligno,
pluribus invideas Zoile, nemo tibi.

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FINIS.

HISTORICAL COLLECTIONS.

THE grand buſineſs of State in the latter times of King *James*, was the Spaniſh Match, which had the Kings heart in it, over-ruled all his Counſels, and had a mighty influence upon the univerſal State of *Chriſtendom*. This King affecting the name of a King of Peace, and Peace-maker, as his chief glory, had deſigned, what in him lay, the ſettling of a general Peace in *Europe*, and the reconciling of all Parties; and profeſſed, that if the Papiſts would leave their *King-killing*, and ſome other groſſer Errors, he was willing to meet them half-way. Moreover he was ever zealous for the honour and heighth of Regal Majeſty, and to maintain the glory of it in his Succeſſors; 'twas his chief deſire and care to match his Son with ſome Princeſs of moſt high deſcent, though of a different Religion.

King *James* much deſired to match his Son *Henry* with a Daughter of *Spain*.

There had been a Treaty of Marriage between the late Prince *Henry* and a Daughter of *Spain*, which on the Spaniards part was found a meer Complement, carried on by the accuſtomed gravity and formality of that Nation. For *Cecil*, Earl of *Salisbury*, the great States-man of that time, purſued and drove the matter to that point, that the Duke of *Lerma*, finding no evaſion, diſclaimed the being of a Marriage-Treaty. Nevertheleſs, the Spaniſh Ambaſſadour, to acquit himſelf to this State, and to clear his own honeſty, at a full Council, produced his Commiſſion, together with his Letters of Inſtruction given under the Duke's hand: Such manner of dealing might have been ſufficient cauſe of juſt Indignation againſt any future motion of this Alliance.

After Prince *Henry*'s death, the King propounded a Match with *France*.

After the death of Prince *Henry*, the King ſet his thoughts upon a Daughter of *Henry* the Fourth, late King of *France*, as the fitteſt Match for Prince *Charles*; and by Sir *Thomas Edmonds*, his Legier Ambaſſador, endeavoured to know the mind of that State; but could not diſcern their affections, and was not willing to diſcover his own: At length, taking occaſion to ſend the Lord *Hayes* Extraordinary Ambaſſador to the French King, to congratulate his Marriage with *Anne* the Infanta of *Spain*, he reſolved to make a thorow Trial: The matter was put forth, and in appearance well taken, but proved of no effect; for the Duke of *Savoy* was before hand, and prevailed for his Son the Prince of *Piedmont*.

In this interim, the *Spaniard* gives the overture of a Match.

During this Negotiation of Alliance with *France*, the Duke of *Lerma* frequently intimated unto Sir *John Digby*, Ambaſſadour, Reſident in *Spain*, an extraordinary deſire in the King his Maſter, not onely to maintain Peace and Amity with the King of *Great Britain*, but to lay hold on all means that might be offered for the nearer uniting of their Majeſties, and

their

An. 1618 their Crowns; as alſo a diſpoſition in this regard, to match his ſecond Daughter to the Prince of *Wales*. The Ambaſſadour replyed, That his Majeſty had little reaſon to give ear to this overture, having not long ſince, in the Treaty for the late Prince, received ſuch an unexpected Anſwer, and Demands ſo improper and unworthy; and that there needed more than ordinary aſſurance, to induce him to believe, that there was now ſo great a change, and the Match deſired in good earneſt, and not propounded meerly to divert the Match with *France*: wherefore he expected the propoſal of ſuch terms of advantage and certainty, as might gain a belief of their ſincere intentions. *Lerma* promiſed a further conference; but by reaſon of a ſtrong report, that the Match with *France* was abſolutely concluded, and within few days to be publiſhed, the buſineſs lay aſleep, untill Sir *John Digby* going for *England*, was deſired by the Duke, to give him notice of the State of this affair. From hence *Digby* gives him to underſtand, that there was no cauſe of deſpair concerning this new Overture, unleſs the difficulty of the Conditions ſhould make it deſperate; but if the Demands in point of Religion were no more than what would ſatisfie another Catholick Prince, and to which his Majeſty might yield with honour, he knows that divers perſons, not of the meaneſt power, were well inclined, and ready to give their helping hand: He ſaid further, That it were much better not to revive this motion, than by impoſſible and unfitting Propoſitions from either ſide, to give diſtaſte, and leſſen the friendſhip between the two Crowns. The Duke returned anſwer, That all aſſurance and ſatisfaction ſhall be given concerning this Alliance: And after Sir *John Digby*'s arrival at the Court of *Spain*, he proteſted to him ſolemnly, That the King deſired it; and ſwore for himſelf, that he deſired nothing more. Hereupon *Digby* debated with him, That the remembrance of their former Demand was yet unpleaſing in *England*; the difference of Religion, the Opinions of Divines, and Caſes of Conſcience were ſtill the ſame; inſomuch that his Majeſty and his Servants had juſt cauſe to ceaſe for ever from all thoughts this way. Nevertheleſs they did not ſlight nor diſreliſh an Alliance with *Spain*; for many of the greateſt eminency in *England* judge it equally valuable with any other of *Chriſtendom*, though it be eſteemed a matter of infinite difficulty. Here the ſubtil *Spaniard* might perceive our forwardneſs, though our Ambaſſador ſeemed to ſpeak aloof off, and with reſervation. The debate had this reſult, that the difficulties ſhould be digeſted into certain Heads, and ſelect Perſons appointed for Conference; but the intent thereof was, that the Kings on either ſide ſhould not be intereſſed, nor their names therein uſed, till by the clearing of particulars, there ſhould be great appearances, that the buſineſs would take effect: Now becauſe the difference of Religion was ſuppoſed the only difficulty of moment, it was thought fit to break the matter to the Cardinall of *Toledo*, and the Kings Confeſſor, and one Father *Frederick*, a learned Jeſuite, having the repute of a moderate man.

Sir *John Digby*'s advice to the King in that matter.

Upon the review of theſe proceedings, Sir *John Digby* adviſed the King, not to ſuffer his other reſolutions to be interrupted by this Overture, which might be ſet on foot as a meer device to ſtagger the French Treaty, and to keep his Majeſty from declaring himſelf oppoſite to *Spain*, in the buſineſs of *Cleves* and *Juliers*, which ſtill remained uncompounded; nevertheleſs, he might be pleaſed, for a while, to ſuſpend the concluſion of the Match with *France*, and entertain this motion; and to this

A This Paw points out the Caledonian Tarres
Sad Harbingers to our intestine Warres.
B The Lion pasant gardant wonders much,
The Paw should dar profane his Chiefe to touch
C Strange y^t from Skooles, at Scotish Prelates hurld
Bellonas dire Alarms should rouse the World:
D The Lion & ye Paw, bent to engage
Make Peace at Tweed, to change ye Scene & Stage
E The double headed Eagle wide doth spread
Her Wings to fan the Coales y^t seemd as dead
F And makes ye Lionesse an Instrument
To breake that Peace and a fourth Parlament.
G The Paw invades ye Lion at Tine Flood;
They fight, make Truce & stop from shedding Blood.
H The British Notes sound flat to those more sharp
Divisions, Echod from the Irish Harp
I The Parlament convend, the Lion try'd
By Charging Five. The Members to divide
K First Justice next no Bishops Priviledge last,
Cry Multitudes who to the Houses haste
L The Lions third Roare prooving fatall drew
Such Woes as rarely former Ages knew
M Twas a Curst Cow kickt down ye Milk shee gave
Let us old Englands Lawes and Freedome have
N Celestiall Manna thy Spirituall Food
OP Fed them with Peace & Plenty all that's Good.
Q A blazing Comet thy Backsliding showes.
R Predicteth Ruine, & presenteth woes
S The Faithfull build them Churches but are stept
By Papists who at th Aurea Bulla mockt
T Great Cæsar to ye Romans Crown doth bring
His Stately Nephew and creates him king
V Prague giues ye Crown to Frederick & excites
His Sword to assert the Germans & their Right
W Then from high Windowes unnawares were thrown
The Emperors Councell ere the Charge was known
XY The Blow neer Prague was struck The people ride
Like Ieliu out, Warre is sweet before t is try'd
Z What Decollations then: What Blood: What far
Outacted Traguck Scenes ensud that Warre

16 *Jacobi.*

this end he deſired from him, not a formal Commiſſion to treat, but onely a private Inſtruction for his Direction and Warrant.

Gondomar manages the Treaty on the *Spaniards* part.

Such remote Conferences made way for that ſolemn ſlow-paced Treaty of the many years following, wherein the advantage lay on the Spaniards ſide, who were indeed very formal and ſpecious in it, but no way vehement and vigorous, if we might ſuppoſe them in any ſort real: But the King of *England* having a prevalent inclination this way, when
A he was once drawn in, and elevated with hope, was ſo ſet upon it, that he would grant all things poſſible, rather then break it off, and was impatient of diſſembling his own eagerneſs: The buſineſs was mainly carried on by *Conde Gondomar*, who was exquiſitely framed for it, and by facetious ways, taking the King in his own humour, prevailed mightily.

The King removes all blocks that lie in the way of this Darling-Deſign, and ſtudies all the ways of rendring himſelf acceptable to
B *Spain.*

The *Engliſh* Navy neglected.

The Wall of this Iſland, the Engliſh Navy, once the ſtrongeſt of all Chriſtendom, now lies at Road unarmed, and fit for ruine: *Gondomar* [as was the common voice] bearing the King in hand, that the furniſhing of it would breed ſuſpition in the King his Maſter, and avert his mind from this Alliance: Moreover the Town of *Fluſhing*, the Caſtle of *Ramakins* in *Zealand*, and *Brill* in *Holland*, which were held by way of
C caution from the United Provinces, to inſure their dependency upon *England*, the King reſolved to render up, as being meerly Cautionary, and none of his Propriety: He rid his hands of thoſe Places to prevent Requeſts and Propoſitions from the King of *Spain*, who claimed the Propriety in them, and *Gondomar* put hard for them, being accounted the Keys of the Low Countreys: Such was the Kings care and contrivance to keep faith with thoſe Confederates, and not offend *Spain*: And to render this a politick action, it was urged, That the advantage of thoſe Holds was countervailed by the vaſt expence in keeping them. How-
D beit, the power of the Engliſh Intereſt in that State was by this means cut off, and taken away; and the alienation between King *James* and the United Provinces, which appeared in latter times, and was nouriſhed by *Bernevelt*, the Head of the *Arminian* Faction, and a Pentionar of *Spain*, is now increaſed, by the diſcovery and obſervation of theſe late Spaniſh compliances.

The Cautionary Towns rendred to the *Hollander.*

But the King of *Spain* and his Miniſters had given but ſlender proof of any great affection, yea, or of ſincere intention, and upright dealing in this great affair. For Sir *John Digby* recieved certain Articles in matter of Religion, after a Conſultation had with their Divines, which appeared very unworthy, and were utterly rejected by him: Yet afterwards upon a private Conference between him, and ſome others to whom the Cauſe had been committed, a Qualification was therein conceived, though not delivered as a matter there approved. And the ſame ſpeeches after his return into *England*, proceeded between him and *Gondomar*, and were brought to that iſſue, that the King thought
F fit to acquaint a ſelect number of his Council therewith, who having heard the report of the former proceeding, delivered their opinion, That they found very probable ground for him to enter into a publick Treaty, with as much aſſurance of good ſucceſs, as in ſuch a caſe might be expected. Whereupon Sir *John Digby*, by Commiſſion under the Great Seal, was authorized to treat and conclude the Marriage; and becauſe

The *Spaniard* proceeds not ſincerely in the Treaty.

An. 1618. the matter of Religion was in chief debate, thoſe qualified Articles that were brought out of *Spain*, were ſent back, ſigned with the Kings hand, who added ſomething to them by way of clearer explanation: They were to this effect:

Articles of Religion agreed upon between the Kings of *England* and *Spain*.

THat the Popes Diſpenſation be firſt obtained by the meer act of the King of Spain.

That the Children of this Marriage be not conſtrained in matter of Religion, nor their Title prejudiced in caſe they prove Catholicks. A

That the Infanta's *Family, being Strangers, may be Catholicks, and ſhall have a decent place appointed for all Divine Service, according to the uſe of the Church of* Rome; *and the Eccleſiaſticks and Religious Perſons may wear their proper Habits.*

That the Marriage ſhall be celebrated in Spain *by a Procurator, according to the Inſtructions of the Council of* Trent; *and after the* Infanta's *arrival in* England, *ſuch a Solemnization ſhall be uſed, as may make the Marriage valid,* B *according to the Laws of this Kingdom.*

That ſhe ſhall have a competent number of Chaplains, and a Confeſſor, being Strangers, one whereof ſhall have power to govern the Family in Religious matters.

In the allowing of theſe Articles, the King thus expreſt himſelf: "Seeing this Marriage is to be with a Lady of a different Religion from "Us, it becometh Us to be tender, as on the one part to give them C "all ſatisfaction convenient; ſo on the other, to admit nothing that "may blemiſh our Conſcience, or detract from the Religion here "eſtabliſhed.

The People of *England* averſe from the Match: The Catholicks deſirous of it.

The People of *England* having yet in memory the intended Cruelty of 88. and hating the Popiſh Religion, generally loathed this Match, and would have bought it off at the deareſt rate; and what they durſt oppoſed it by ſpeeches, counſels, wiſhes, prayers; but if any one ſpake lowder than his fellows, he was ſoon put to ſilence, diſgrac'd, and D croſs'd in Court-Preferments; when as in *Spain* and *Flanders*, Books were penned, and Pictures printed to diſgrace the King and State: For which the Engliſh Ambaſſadors ſought ſatisfaction, but in vain. The Roman Catholicks deſired the Match above meaſure, hoping for a moderation of Fines and Laws, perhaps a Toleration, yea, a total Reſtauration of their Religion; for they gained more and more Indulgence by the long-ſpun Treaty: The Articles of Religion were long hammered upon the Spaniſh Anvil, inlarged and multiplied by new Demands with- E out end.

Gondomar contrives the death of Sir *Walter Rawleigh*, an Enemy to *Spain*.

The *Conde Gondomar*, an active ſubtil Inſtrument, to ſerve his Maſters ends, neglected no occaſion tending thereunto, which he mainly ſhewed in the particular of Sir *Walter Rawleigh*, wherein he put forth all his ſtrength to deſtroy him, being one of the laſt Sea-Commanders then living, bred under Queen *Elizabeth*, and by her fleſh'd in Spaniſh blood and ruine. He did firſt under-work his Voyage to *Guienna*, which ſeemed to threaten loſs and danger to the ſpreading power of *Spain* in the *Weſt-* F *Indies*; and after his return with misfortune, he purſued him to death. In the beginning of the Kings Reign, this Gentleman, with others, was arraigned and condemned for Treaſon; 'twas a dark kind of Treaſon, and the vail is ſtill upon it. The King had ground enough to ſhew mercy, which ſome of that condemned party obtained. After many

years

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years impriſonment, Sir *Walter Rawleigh*, deſirous of liberty and action, propounded an *American* Voyage, upon the aſſurance of gaining a Mine of Gold in *Guienna*. The King hearkned to him, and gave him power to ſet forth Ships and Men for that ſervice; but commanded him upon his Allegiance, to give under his hand, the number of his Men, the burden and ſtrength of his Ships, together with the Countrey and River which he was to enter. All this was done, and came ſo timely to *Gondomar*'s
A knowledge, that advertiſement was ſent to *Spain*, and thence to the *Indies*, before this *Engliſh Fleet* departed out of the *Thames*. The Action proved unfortunate, and the Mine was inacceſſible: the *Spaniards* at St. *Thomas* oppoſed their paſſage up the River, and this engaged them to aſſault the Town, which they took, ſacked and burnt. *Gondomar* hereat incenſed, with a violent importunity demanded the reparation of this wrong: And the *Spaniſh Faction* urged, that this irruption might make a breach both of the Match and Peace with *Spain*. The Kings fears
B kindled his wrath; he diſavowed the action, and to prevent the like for the future, put forth a ſevere Proclamation. Hereupon the ſtorm of Paſſion ceaſed, and *Rawleigh* knowing nothing, but that he might appear in *England* with ſafety, put in at *Plimouth*, and was no ſooner landed, but, by ſecret intimation, underſtanding his danger, ſought to eſcape beyond-Sea, but was taken in the attempt, brought to *London*, and recommited to the *Tower*; and at length his life was offered up a *Sacrifice* for *Spain*; but not upon ſuch grounds as the Ambaſſador had deſigned; for he de-
C ſired a Judgment upon the pretended breach of Peace, that by this occaſion he might ſlily gain from the *Engliſh* an acknowledgment of his Maſter's Right in thoſe Places, and hereafter both ſtop their mouths, and quench their heat and valour. But the late Voyage was not brought in queſtion, onely his former condemnation was revived; his Arraignment at *Wincheſter* many years before was now laid open, and he at the *Kings Bench* demanded, why Execution ſhould not be done upon him according to the Sentence therein pronounced. *Rawleigh* anſwered, "That the
D "Kings late Commiſſion gave him a new life, and vigour: For he that "hath power over the lives of others, ought to be Maſter of his own. This Plea was not accepted, but the former Judgment took place, and accordingly he loſt his *Head* upon a Scaffold erected in the *Old Palace* at *Weſtminſter*.

A War begins in *Germany*.

While *Spain* and *England* were thus cloſing, the fire brake out in *Germany* between the States and Princes *Proteſtant*, and the Houſe of *Auſtria*: theſe commotions involved and drew along the affairs of moſt
E Chriſtian Princes, eſpecially of the two *Potent Kings* now in Treaty. The Catholick Cauſe, and the Lot of the Houſe of *Auſtria*, engaged the King of *Spain*, who was the ſtrongeſt Branch of that Stock. King *James* muſt needs be drawn in, both by common and particular Intereſt; the *Religion* which he profeſſed, and the *State* of his Son in Law, the Elector *Palatine*, who became the principal part in thoſe Wars, and the moſt unfortunate. It was an high buſineſs to the whole Chriſtian World, and the iſſue of it had main dependance upon the King of *England*, being
F the *Mightieſt Prince* of the Proteſtant Profeſſion. But this Kings proceedings were wholly governed by the unhappy *Spaniſh* Treaty.

Both Parties, Proteſtant and Catholicks, grow jealous, and each enter into League.

The Clouds gather thick in the *German* Sky; jealouſies and diſcontents ariſe between the *Catholicks* and the *Evangelicks*, or *Lutherans* of the Confeſſion of *Ausburge*. Both Parties draw into Confederacies, and hold Aſſemblies; the one ſeeking by the advantage of power to incroach and

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The Emperor *Matthias* adopts his Couſin German *Ferdinand.*

and get ground, the other to ſtand the ground, and hold their own. The potency of the Houſe of *Auſtria*, a Houſe devoted to the Perſecution of the Reformed Religion, became formidable. The old Emperor *Matthias* declared his Couſin German, the Archduke *Ferdinand*, to be his adopted Son and Succeſſor, and cauſed him to be choſen and Crowned King of *Bohemia* and *Hungary*; yet reſerving to himſelf the ſole exerciſe of Kingly power during his life.

For joy of this Adoption, the Catholicks keep a Jubilee, and the Proteſtants another in memory of *Luther.*

The Jeſuits triumph in their hopes of King *Ferdinand*; the *Pope* exhorted the Catholicks to keep a day of Jubilee, and to implore aid of God for the Churches high occaſions. To anſwer this Feſtival, the Elector of *Saxony* called to mind, that it was then the Hundredth year compleat, ſince *Martin Luther* oppoſed the Popes Indulgences, which was the firſt beginning of Proteſtant Reformation. Whereupon he ordained a *Solemn Feaſt* of three days for Thankſgiving, and for Prayer to God, to maintain in peace the purity of the Word, and the right Adminiſtration of the Sacraments. The Profeſſors of the Univerſities of *Lipſick* and *Wittemberg*, the Imperial Towns of *Frankford*, *Worms*, and *Noremburg*; yea, the *Calviniſts* alſo obſerved the ſame days of Jubilee againſt the *Romiſh* Church; and much Gold and Silver was caſt abroad in memory of *Luther*, whom they called *Bleſſed.*

In theſe times the Emperor wrote Letters, both to the Elector *Palatine*, and to the Proteſtant Provinces, and States of the Empire then aſſembled at *Hilbrun*, adviſing them to acquieſce in what was done touching the deſignation of his adopted Son to the Empire, to obſerve the *Golden Bull*, (the *Magna Charta* of the Empire) and the matter of it concerning the Electoral Bonds, and to diſſolve their League. The Proteſtants in their Anſwer acknowledged the good-will of the Emperor their *Chief*, and ſhewed, that the Catholicks had oppreſſed them, contrary to the Pacification; and having ſought redreſs in vain, they were compelled to uſe means of preſerving Publick Tranquility, according to the Laws. That their *League* and *Union*, conſiſting onely of Proteſtant *Germans*, was a known practiſe in the Empire, and not againſt the *Golden Bull*, and tended not to a ſeparation from his Imperial Majeſty; but the Catholicks made their League with Strangers, and declared a Stranger Chief over them.

An Aſſembly of the Proteſtants and States of *Bohemia* at *Prague.*

The Count of *Thurne*, and other Defenders Evangelick, with the Eſtates of *Bohemia*, aſſembled at *Prague*, to adviſe of publick ſafety, and conſervation of Priviledges. The Emperor required his Council held at the Caſtle of *Prague*, to oppoſe and hinder this Aſſembly, which he ſaid was called to raiſe Sedition, and to plot againſt his Perſon and Government. Nevertheleſs in all their Publick Worſhip, the *Evangelicks* prayed to God to confound the Emperors Enemies, and to grant him long to live and reign over them in Peace and Juſtice.

The firſt occaſion of the troubles of *Bohemia.*

The *Bohemian* Troubles took their firſt riſe from the breach of the Edict of Peace concerning Religion, and the Accord made by the Emperor *Rodolph*, whereby the Proteſtants retained the free exerciſe of their Religion, enjoyed their Temples, Colledges, Tithes, Patronages, Places of Burial, and the like; and had liberty to build new Temples, and power to chooſe Defenders to ſecure thoſe Rights, and to regulate what ſhould be of ſervice in their Churches. Now the ſtop of building certain Churches on Lands within the Lordſhips of the Catholick Clergy, (in which places the Evangelicks conceived a Right to build) was the ſpecial grievance and cauſe of breach.

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On the Twenty third of *May* the chief of the Evangelicks went armed into the Caſtle of *Prague*, entred into the Council-Chamber, and opened their grievances; but inraged by oppoſition, threw *Slabata* the Chief Juſtice, and *Smeſantius*, one of the Council, and *Fabritius* the Secretary, from an high window into the Caſtle Ditch; others of the Council temporizing in this Tumult, and ſeeming to accord with their demands, were peaceably conducted to their own houſes. Hereupon the A Aſſembly took advice to ſettle the Town and Caſtle of *Prague* with new Guards; likewiſe to appeaſe the People, and to take an Oath of Fidelity. They choſe *Directors*, Governors, and Counſellors Provincial to govern affairs of State, and to conſult of raiſing Forces againſt the enemies of God and the King, and the Edicts of his Imperial Majeſty. They baniſhed the Jeſuits throughout all *Bohemia*: Moreover, to defend their own cauſe, and to give an account of their late proceedings, and preſent poſture, a *Declaration* was drawn up, and ſent, with Letters, to the Eſtates B of *Moravia*, *Sileſia*, and *Luſatia*, and to all the Princes and States, their Allies, throughout the Empire, with the requeſt of aid in caſe of need. They declare to this effect.

A Riot committed by the Proteſtants in the Caſtle of *Prague*.

That they had indured infinite Injuries and Afflictions, by certain Officers Eccleſiaſtick and Civil, and by the Jeſuits above all others, who ſought to bring them under the yoke of Popery, reviled them with the names of Hereticks, **heaved them out of places** C **of Dignity, provoked the Magiſtrates to purſue them with Fire and Sword: That their Miniſters were baniſhed, and their Charges given to Roman Catholicks. The Senators of** Prague, **who were Evangelicks, were evil intreated, and divers perſons perſecuted for Religion, under pretence of Civil offences. And whereas in caſe of difference touching the Agreement and Edict of Peace, the Eſtates of both Parties were to hear and judge; their Enemies procured Commands from the Emperour to bear them down before a due hearing:** D **Their lawful Meetings to adviſe and ſeek redreſs, were declared to be manifeſt Sedition and Rebellion, and themſelves threatned with loſs of Eſtates and Lives.**

The Proteſtants put forth a Declaration.

This *Declaration* they ſent likewiſe to the Emperour, with a ſubmiſſive Letter, aſſerting their own Fidelity, and praying for the removal of thoſe evil Counſellors, that threaten ſo much danger to his Majeſty, and his Kingdoms. The Emperor herewith was no way pacified, but charged E them with an evil deſign, required them to lay down Arms, and to make no more Levies, but to live in peace as becometh faithful Subjects: Upon which terms he promiſed to disband his own Souldiers, to forgive what was paſt, and to protect all that will obey him.

The Emperor diſguſted with the Declaration.

This prevailed nothing, but the breach grows wider. The Emperor publiſhed a *Manifeſto* in Anſwer to the Apology of the *Bohemian* States, and wrote Letters to the Electors, Princes, and States of the Empire, with high Aggravations of the violence offered at *Prague* to his principal F Officers, againſt Divine and Humane Rights, the Conſtitutions of the Kingdom, and the Cuſtoms of all Nations, without *hearing*, without *ſummoning*, without any form of *Proceſs*; yea, without giving a moment of time to Repent, or make Confeſſion, or receive the Sacrament, which is never denied to the worſt offenders.

He publiſhes a *Manifeſto*.

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Both Parties Arm.

Forthwith a pernicious War, and all confuſion breaks out. The Emperor raiſed Forces under the conduct of divers Commanders, of whom the chief were Count *de Buquoy*, and Count *d'Ampiere*. The Evangelicks raiſe two Armies under Count *de Thurne*, and Count *Mansfelt*. *Moravia*, *Sileſia*, and *Luſatia*, with all the Eſtates Proteſtant, *Germans*, and Neighbours of *Bohemia*, (very few excepted) aſſiſt the Evangelicks with Counſel, Men and Money, likewiſe the Prince of *Orange*, and the States of the *United Provinces*, promiſed to aid them with their Forces. The Electors and Princes Proteſtant favouring the *Bohemians*, whoſe Countrey the Imperialiſts deſtroy with Fire and Sword, perſwade the Emperour to ſtop the rage of Civil War, the ſucceſs whereof is doubtful, and the end ever miſerable. The Emperour propounded an Arbitration of theſe differences by the Elector of *Mentz*, and the Duke of *Bavaria*, Princes Catholicks; and by the Electors *Palatine* and of *Saxony*, Princes Proteſtants; and *Pilſen* ſhould be the place of Treaty: The Evangelicks conſent to the Arbitration, but diſlike the place, where the people were wholly Catholicks, and followed the Emperors Party; beſides, the *Directors* had deſigned the beſieging of it. New actions of War made the overtures of Peace more difficult: Several Armies were now raiſing throughout *Bohemia*, and the neighbouring Provinces: As yet the Elector of *Saxony* ſtood Neutral; the Duke of *Bavaria* caſt in his lot with the Emperor, whoſe Eſtate was than every where embroiled.

A Comet appears at this time. * Sir *John Heydon.*

At this time there appeared a Comet, which gave occaſion of much diſcourſe to all ſorts of men; amongſt others, a learned * *Knight*, our Country-man, confidently and boldly affirmed, [*That ſuch perſons were but abuſers, and did but flatter Greatneſs, who gave their verdict, that that* Comet *was effectual, as ſome would have it, or ſignal, as others judge it, onely to* Africa, *whereby they laid it far enough from* England. *When this Knight, out of the conſideration of the ſpace of the* Zodiack, *which this* Comet *meaſured, the inclination of his Sword and Blade, and to what place both the head and tail became Vertical, together with other Secrets*; Said, *That not onely all* Europe, *to the Elevation of Fifty two Degrees, was liable to its threatnings, but* England *eſpecially*; *yea*, That Perſon; *beſides, in whoſe Fortune we are all no leſs embarked, than the Paſſenger with the Ship is in the Pilot that guided the ſame*; *the truth whereof, ſaid he, a few years will manifeſt to all men.*]

And it was obſerved by Dr. *Bainbridge*, a famous Aſtronomer, that toward the Declination of it, the eleventh of *December* it paſt over *London* in the morning, and ſo haſted more Northwards, even as far as the *Orcades*.

King *James* engages not, in theſe troubles, flattering himſelf with the *Spaniards* ſeeming forwardneſs to effect the Match.

Amidſt theſe diſtractions, the Houſe of *Auſtria* made no ſmall improvement of their intereſt in the King of *Great Britain*, who in the hot purſuit of the *Spaniſh* Match, was earneſt to oblige them. And the *Spaniards* made ſhew, that on their part, nothing under Heaven was more deſired, than this Alliance; and in their Diſcourſes magnified the King, Queen, and Prince of *England*. For the ſtate of their Affairs did preſs them hard, if not to cloſe really, yet at leaſt to fain a preſſing towards it. For the *French* adminiſtred cauſe of diſcontent; the Truce with the *United Provinces* was near expiring; but above all, they took to heart the *Bohemian* War, and reſolved to ſet the main ſtock upon it: Wherefore the King of *Spain* gave commandment, that his Treaſure ſhould be gathered together for the *Infanta*'s vaſt Portion, being no leſs than *Two Millions*, and gave hopes of the payment of half a *Million* beforehand, as

as was deſired, and with himſelf all diſpatches ſeemed to paſs freely. But his Miniſters gave not the ſame ſatisfaction, and proceeded ſo ſlackly in the buſineſs, that they were ſuſpected either not to intend it at all, or not ſo ſoon as was pretended: Beſides, the wiſer here obſerved and repined, that all difficulties, hazards, and odious paſſages, muſt reſt on the *Engliſh* ſide, which *Spain* did little value. That King *James* did that to gratifie the *Spaniard*, which rendred him diſguſted by his Subjects; but if Favour were granted to any Subject of his by the King of *Spain*, it was not without deſign to engage him in his own Service. Which reſentments may be collected from a Letter written by a great Miniſter of State, to Mr. *Cottington*, his Majeſties then Agent in *Spain*; which for clearer ſatisfaction you have here at large.

A Letter from a great Miniſter of State to Mr. *Cottington*.

GOod Mr. Cottington, *I doubt not but before theſe come to your hands, you will have heard of the Receipt of all your former Letters: Theſe are in anſwer of your laſt of the eighth of* October, *wherein you advertiſe of the arrival of the* Conde Gondomar, *at* Lerma, *and of his entertainment by that Duke. It ſeemeth unto us here in* England, *that he hath gone but very ſlowly in his journey; and divers (ſeeing how long time he hath ſpent in the way) do make conjecture; That it proceedeth from the ſmall affection that he judgeth to be there, towards the effecting of the main buſineſs; ſaying, If the* Ambaſſador *were aſſured that his Maſter did ſo really deſire the ſpeedy effecting thereof, as is pretended, he would have made more haſte homeward? and that it hath not been ſincerely intended, but meerly uſed by that State as an amuzement to entertain and buſie his Majeſty withal, and for the gaining of time for their own ends: and this is muttered here by very many, but I hope, we ſhall ere long receive ſuch an account from thence of their proceedings, as will give ſufficient ſatisfaction. For my own part, I muſt confeſs I am yet well perſwaded of their intentions; For, if there be either* Honour, Religion, *or* moral Honeſty *in them, the Proteſtations and Profeſſions which I have ſo often heard them make, and you likewiſe dayly advertize hither, are ſufficient to perſwade a man that will not judge them worſe than* Infidels, *to expect ſincere dealing in the buſineſs; and whenſoever I ſhall perceive that they go about to do otherwiſe, I muſt confeſs my ſelf to have been deceived, as I ſhall ever be on the like terms, while I deal with inmoſt care; but withal, I ſhall judge them the moſt unworthy and perfidious people of the World, and the more, for that His Majeſty hath given them ſo many teſtimonies of his ſincere intentions toward them, which he daily continueth, as now of late, by* the cauſing Sir *Walter Rawleigh* to be put to death, chiefly for the giving them ſatisfaction: *whereof his Majeſty commanded me to advertiſe you, and concerning whom, you ſhall by the next receive a* Declaration, *ſhewing the Motives which induced his Majeſty to recall his mercy, through which he had lived this many years a condemned man. In the mean time, I think it fit, that to the Duke of* Lerma, *the Confeſſor, and the Secretary of State, you do repreſent his Majeſties real manner of proceeding with that King and State; and how for the advancing of the great buſineſs, he hath endeavoured to ſatisfie them in all things, letting them ſee how in many actions of late of that nature, his Majeſty hath ſtrained upon the affections of his people, and eſpecially in this laſt concerning Sir* Walter Rawleigh, *who died with a great deal of* courage *and* conſtancy; *and at his* death *moved the common ſort of* people *to much remorſe, who all attributed his* death *to the deſire his Majeſty had to ſatisfy* Spain.

Further, you may let them know how able a man Sir Walter Rawleigh *was to have done his Majeſty ſervice, if he ſhould have been pleaſed to employ him;*

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him; yet to give them content, he hath not ſpared him, *when by preſerving him, he might have given great ſatisfaction to his Subjects, and had at command, upon all occaſions as uſeful a man as ſerved any Prince in Chriſtendome; and on the contrary, the King of* Spain *is not pleaſed to do any thing which may be ſo inconvenient unto him, as to leſſen the affections of his people, or to procure ſo much as murmering or diſtractions amongſt them: And therefore it is to be expected, that on his part, they anſwer his Majeſty, at leaſt with ſincere and real proceeding, ſince that is all they are put to, the difficulties and* A
hazards being indeed on his Majeſties ſide. And truly, I ſhould think it fit, that not by way of commination; but as it were out of zeal to the Peace and Amity betwixt theſe two Crowns, you did intimate to the Duke and the other Miniſters, how impoſſible you held it to have peace long continued betwixt their Majeſties; if in this buſineſs, wherein ſo much hath been profeſſed, there ſhould be found any indirectneſs. But herein you muſt be cautious and temperate; for as on the one ſide, you and I well know, that this ſtile moſt perſwades with them, ſo on the other ſide, the decency and buen termine *that is to be obſerved betwixt* B
great Princes, will hardly admit of Threats or Revenge for a wooing Language; *but this I know falleth into ſo diſcreet a hand, that I little fear the handſome carriage of it. And I hope that before theſe Letters arrive with you, we ſhall hear from you, in ſuch a ſtile, that this advice of mine ſhall be of no uſe. I pray you be very earneſt with the* Conde Gondomar, *that he will not forget to negotiate the liberty of Mr.* Mole, *for whom I hope (now my Lord* Roſs *is dead) for that which you and I know, it will not be ſo difficult to prevail. You may put him in mind, how when Father* Baldwill's *liberty was granted unto* C
him, although he could not abſolutely promiſe Mr. Moles *releaſe, yet he then faithfully proteſted, he would uſe the mediation of the Duke of* Lerma, *and of the Kings Confeſſor, and of that King, if need were; and that he would try the beſt friends he had for the procurement of his enlargement, wherein you may deſire him to deal effectually, for that there is great expectance that he ſhould proceed honourably and really therein. I my ſelf likewiſe will uſe all the means I can for his relief; for it is a thing which is very much deſired here, and would give a great deal of ſatisfaction.* D

As touching Oſulivare, *it is very fit that you let them know, that the report of the honour they did him, hath come unto his Majeſties ears, and that although they will alledge, that in the time of Hoſtility betwixt* England *and* Spain, *it may be he did them many ſervices, and may then have deſerved well at their hands; for which they have juſt cauſe to reward him; Yet ſince by his Majeſties happy coming to theſe* Crowns, *thoſe differences have had an end, and that there is a perfect League and Amity betwixt them, his Majeſty cannot chuſe but diſlike that they ſhould beſtow upon him any* Title *or* Dignity, *which onely or* E
properly belongeth unto him towards his own Subjects; that therefore he would be glad that they would forbear to confer any ſuch titulary Honours upon any of his Subjects without his Privity. This, you ſhall do well to inſiſt upon, ſo that they may underſtand that his Majeſty is very ſenſible, that they ſhould endeavour to make the Iriſh *have any kind of depenadnce on that State.*

Nov. 17. Queen *Anne* dyeth.

Queen *Anne* died this year at *Hampton* Court, and was thence brought to her Palace at *Denmark*-houſe in the *Strand*: The common people F
who were great Admirers of Princes, were of opinion, that the Blazing-Star rather betokened the Death of that Queen, than that Cruel and Bloody War which ſhortly after hapned in *Bohemia*, and other parts of *Germany*.

In

17 *Jacobi.* 1619.

IN the beginning of the Year One thouſand ſix hundred and nineteen, the Emperor *Matthias* died; but immediately before his death, to engage Perſons of Honour in the Service of the Empire, he inſtituted Knights of ſeveral Orders, for the defence of the Catholick Religion; who were bound by Oath to be faithful to the Apoſtolick Sea, and to acknowledge the Pope their chief Protector. The Count *Palatine* of *Rhine*, who in the *Interregnum* is chief Vicar of the Empire, publiſhed his right, by the Golden Bull, to govern in chief, till a new Emperor be choſen, and, by advice, aſſumed the Power, requiring the People to demean themſelves peacebly under his Government.

Matthias the Emperor dies.

A

King *Ferdinand*, in his broken eſtate, propounded a ceſſation of Arms, and offered fair Terms of Peace; but was not anſwered, for the breach would not be made up. The *Bohemians* declared, that their Kingdom was Elective, not Hereditary; that the States-General ought to have the free

A Ceſſation of Arms propoſed by *Ferdinand*, is refuſed.

B

Election of their King, who always ought to be one of the Royal Houſe of *Bohemia*: That *Ferdinand* took the Government upon him, by vertue of his Coronation in the Emperor's life-time, and had thereby made the Kingdom a Donative. The Evangelicks in the Upper *Auſtria* demanded equal Priviledges with the Catholicks, and reſolved to make Union with the *Bohemians*. The *Proteſtant* States of *Moravia*, *Sileſia*, and *Hungaria*, baniſh the Jeſuits. The *Bohemians* proſpered in theſe beginnings; but the *Auſtrian* Party received vigour by ſupplies out of *Hungary* and

C

Flanders, and were able to ſtand their ground; and the Emperor capitulated with the Duke of *Bavaria* to levy Forces to his uſe; for the expence of which ſervice, he engaged part of his Countrey to him.

The War grows to a great height, and the King of *England* interpoſed in theſe differences, and ſent the Viſcount *Doncaſter* Extraordinary Ambaſſador to mediate a Reconciliation. His conſtant love of Peace, and his preſent fear of the ſad iſſue of theſe Commotions, and the requeſt of the King of *Spain*, moved him to take this part in hand. It was the

King *James* interpoſes by his Ambaſſador the Viſcount *Doncaſter*.

D

Spaniards policy to make him a Reconciler, and by that means to place him in a ſtate of Neutrality, and ſo fruſtrate the hopes of that ſupport which the Princes of the Union might expect from him by the Intereſt of the Count *Palatine*: For which cauſe, the King of *Spain* ſpeaks out large promiſes, That he ſhould be the ſole and grand Arbiter of this Cauſe of Chriſtendom. Nevertheleſs, his Mediation was ſlighted by the Catholick Confederates, and his Ambaſſador ſhuffled out of the buſineſs. And at the ſame time, Mr. *Cottington* being very ſenſible of their unwor-

E

thy dealings in the Court of *Spain*, profeſſed, that his moſt uſeful ſervice, and beſt complying with his own Conſcience, would be to diſengage the King his Maſter.

The Archbiſhop of *Mentz*, the Repreſenters of the Duke of *Saxony*, and the other Electors, *Brandenburgh*, *Cullen*, and *Tryers*, met at *Franckford*, to chuſe the Emperor.

Upon the Eighth day of *Auguſt*, *Ferdinand* was choſen King of the *Romans*; and upon the Nineteenth of *September* had the Imperial Crown

The Elector *Palatine* ſends an Ambaſſador to oppoſe the Election of *Ferdinand*. The *Bohemians* chuſe the *Palatine* for their King.

F

ſet upon his head. Ambaſſadors from the Elector *Palatine* came to oppoſe *Ferdinand*, but were denied entrance at *Franckford*: The *Bohemians* diſclaimed the ſaid Election, and being aſſembled for that purpoſe, with the conſent of their Confederates, elected for their King, Count *Frederick Palatine* of *Rhine*.

After that time, *Bethlem Gabor*, Prince of *Tranſylvania*, made known to

An. 1619.

Bethlem Gabor makes a Union with the Proteſtants.

the Directors Evangelick, his great ſenſe of their condition ſince thoſe troubles began, deſired Union with them, and offered to come in with an Army, hoping for the *Great Turks* conſent to peace, during the time of that Service. The Directors return their thanks, accept the offer, and Prince *Bethlem* immediately entred *Hungary*, to the Emperor's great vexation, danger, and detriment; marching with an Army even to the Walls of *Vienna*.

The *Palatine* craves the advice of King *James*, touching his accepting the Crown.

The Count *Palatine* Elected King of *Bohemia*, craved advice of his Father in Law, the King of *Great Britain*, touching the acceptation of that Royal Dignity: When this important buſineſs was debated in the Kings Council, Archbiſhop *Abbot*, whoſe infirmities would not ſuffer him to be preſent at the Conſultation, wrote his mind and heart to Sir *Robert Nanton*, the Kings Secretary.

That God had ſet up this Prince, his Majeſties Son in Law, as a Mark of Honour throughout all Chriſtendom, to propagate the Goſpel, and to protect the Oppreſſed. That for his own part, he dares not but give advice to follow, where God leads; apprehending the work of God in this, and that of Hungary: *That by piece and piece, the Kings of the Earth, that gave their power to the Beaſt, ſhall leave the Whore, and make her deſolate. That he was ſatisfied in Conſcience, that the* Bohemians *had juſt cauſe to reject that proud and bloody Man, who had taken a courſe to make that Kingdom not Elective, in taking it by the Donation of another. The ſlighting of the Viſcount* Doncaſter *in his Ambaſſage, gave cauſe of juſt diſpleaſure and indignation: Therefore, let not a Noble Son be forſaken for their ſakes, who regard nothing but their own ends. Our ſtriking in will comfort the* Bohemians, *honour the* Palſgrave, *ſtrengthen the Princes of the Union, draw on the* United Provinces, *ſtir up the King of* Denmark, *and the* Palatine's *two Uncles, the Prince of* Orange *and the Duke of* Bouillon, *together with* Tremouille, *a rich Prince in* France, *to caſt in their ſhares. The Parliament is the old and honourable way for raiſing of Money, and all that may be ſpared is to be turned this way. And perhaps, God provided the Jewels, which were laid up in the* Tower *by the Mother, for the preſervation of the Daughter, who, like a Noble Princeſs, hath profeſſed, that ſhe will not leave her ſelf one Jewel, rather than not maintain ſo Religious and Righteous a Cauſe. Certainly, if countenance be given to this Action, many brave Spirits will offer themſelves: Therefore, let all our Spirits be gathered up to animate this buſineſs, that the World may take notice that we are awake when God calls.*

The life and zeal of theſe expreſſions, from a Perſon of ſuch Eminency, may diſcover the judgment and affection of the *Anti-Spaniſh* Party in the Court of *England*. But the King was engaged in thoſe ways, out of vvhich he could not eaſily turn himſelf. Beſides, it did not pleaſe him, that his Son ſhould ſnatch a Crovvn out of the Fire: And he was uſed to ſay, *That the* Bohemians *made uſe of him, as the Fox did of the Cats foot, to pull the Apple out of the Fire for his own eating.* In the mean while, before the King could anſwer, the *Palſgrave* deſiring advice in that behalf, the *Bohemians* had wrought, and prevailed with him, to accept of their Election; whereof he ſent advertiſement into *England*, excuſing the ſuddenneſs of the action; for that the urgency of the cauſe would admit of no deliberation. King *James* diſavowed the act, and would never grace his Son in Law with the Stile of his new Dignity. But Sir *Richard Wiſton* and Sir *Edward Conway* were ſent Ambaſſadors into *Bohemia*,

Before anſwer came, he had accepted it.

to

17 *Jacobi.*

to cloſe up the breach between the Emperor and the Elector *Palatine.*

The King being not a little troubled and jealous, that the *Palatines* nearneſs to him, might give cauſe of ſuſpicion to his Brother of *Spain*, that this Election had been made by his procurement, or correſpondence with the *German* Proteſtants, commands his Agent *Cottington* to give that King plenary Information of all proceedings; as, That his Ambaſſador being A ſent to compound the differences, and to reduce the *Bohemians* to the quiet obedience of the Emperor, in ſtead of finding the Emperor ſo prepared, and ſuch a way made for his Mediation, as was promiſed and expected, received anſwer, That the buſineſs was already referred to four of the Electors, inſomuch that no place was left for his Authority to interpoſe.

King *James* diſavows the act, and clears himſelf of it to the King of *Spain.*

Of this excluſive Anſwer, as he had juſt cauſe to be ſenſible, conſidering that he had entred into that Treaty, meerly at the inſtance of the B King of *Spain*, and his Miniſters; ſo there followed a further inconvenience, That the *Bohemians* having long expected the fruit and iſſue of this Mediation, and finding little hope by this means, did inſtantly, as out of deſperation, elect the Count Palatine for their King: Wherefore being tender of his own Honour and Reputation, eſpecially in the Opinion of the King of *Spain*, he would not have it blemiſhed by the leaſt miſunderſtanding. And for that end, he tendred to his View ſuch Letters, as from time to time he had written to the Princes of the Union, and to C the *Palatine* himſelf, whereby he might plainly ſee his diſlike of the *Bohemians* engaging againſt their King, and his induſtry to contain thoſe Princes in peace and quietneſs, and to make a fair Accord between the diſagreeing Parties.

Reply was made, as touching the Anſwer given to the Viſcount *Doncaſter*, That he was admitted a Compounder in ſuch form as was poſſible, the Arbitration having been committed by the late Emperor into the hands of three of the Electors, and the Duke of *Bavaria*; That nevertheleſs, D he might have proceeded in the Negotiation, and by his Maſters Authority, have over-ruled any difficulty, which might have happned on the Emperor's ſide, (on whoſe behalf the reference was made) if he had reduced the *Bohemians* to the acceptance of any reaſonable conditions: But he preſently, to the Emperors great diſſervice, laboured to ſuſpend the Election of the King of the *Romans*, till the *Bohemian* Controverſies were firſt compounded, which was abſolutely to defeat King *Ferdinand* of that Crown, and to diſturb and put in danger his Election to the E Empire. This was the more confirmed by his deſire to make Bonfires in *Diege*, when the Count *Palatine* was made King of *Bohemia.* As touching the Kings integrity in the whole buſineſs, the ſatisfaction tendred was received with great applauſe; and it was further ſaid, That it would gain the more authority and eſtimation, if he ſhould continue to diſclaim that which had been done ſo contrary to his Opinion; and againſt his Friends and Allies, as are all the Princes of the Houſe of *Auſtria.*

The King of *Spain* teſtifies his reſentment of Viſcount *Doncaſter's* proceedings in *Germany.*

F But the Lot was caſt in *Germany*, and for the *Palſgrave*, there was no going back; Forces pour in amain on both ſides. The King of *Poland* aided the Emperor in *Hungary*, to bound and check the incurſions of Prince *Bethlem*; the Duke of *Saxony* did not brook his Fellow Electors advancement to Regal Majeſty, and condemned his joyning with *Bethlem Gabor*; Who, ſaith he, came in with the *Turks* conſent to make a deſolation in the Empire.

The King of *Poland* aids the Emperor.

King

An. 1620.

Ferdinand publiſhes a Proſcription againſt the *Palatine.*

King *Frederick* viſited the ſeveral parts of his Kingdom, to confirm the People to him, and to receive the Oath of Fidelity: And the Emperor publiſhed a Proſcription againſt him, wherein he proclaims him guilty of High Treaſon, excludes him out of the publick Peace, and declares his reſolution to proſecute him as the publick Enemy of the Empire, and a contemner of his Imperial Majeſty; and abſolves all his Subjects from their Oaths and duties to him, and commands all Perſons whatſoever to abandon him and his adherents. *Chriſtian* Prince of *Anhalt*, was appointed *Generaliſſimo* of the *Bohemian* Forces, and governed all affairs, which was ſome eclipſe and diſcontent to *Thurne* and *Mansfelt*, who had hitherto ſtood the ſhock of the Imperial Armies. The Princes of the Union raiſed Forces for the defence of the *Palatinate*, and their own intereſt, under the Marquis *Ansbach*. The Evangelicks were put to the worſt by General *Buquoy* in ſeveral Encounters, and were much terrified by the Duke of *Bavaria*, who marched with an Army of Fifteen thouſand Horſe and Foot, and a Train of Artillery proportionable; and they were weakened by a Ceſſation of Arms in *Hungary*, between the Emperor and the Prince of *Tranſylvania*.

Prince *Anhalt* *Generaliſſimo* of the *Bohemians.*

Marquiſs *Anſbach* commands the Forces of the Princes of the Union.

In *Spain* they make all poſſible preparations for this War; only the King of *England* will not take the Alarm, abhorring War in general, and diſtaſting the *Palſgrave*'s cauſe, as an ill preſident againſt Monarchy, and fed with hopes of compoſing all differences by the ſucceſs of the *Spaniſh* Treaty. For which purpoſe Sir *Walter Aſton* was then ſent Ambaſſador into *Spain*, and *Gondomar* returned into *England*, there to abide, till the long debated Match be fully effected. The Articles of Religion, for ſecuring Liberty of Conſcience to the *Infanta* and her Family, were greatly inlarged by the Commiſſioners deſigned for the Treaty, and were allowed by the King of *England*; but without a diſpenſation from *Rome*, the Tranſactions between the two Kings were but Nullities. And for this cauſe it was expected, that our King ſhould propound ſuch Conditions, for the increaſe and great advantage of the *Roman* Catholick Religion, that the Pope may deliberate whether they be of that Nature as may perſwade and merit the Diſpenſation. To this demand the King made anſwer in his Letter to the King of *Spain*, That he had done as much in favour of the Catholicks as the times would bear, and promiſed in the word of a King, That no *Roman* Prieſt, or other Catholick, ſhould thenceforth be condemned upon any capital Law. And although he could not at preſent reſcind the Laws, inflicting only pecuniary mulcts; yet he would ſo mitigate them, as to oblige his Catholick Subjects to him. And if the Marriage took effect, his Daughter in Law ſhould find him ready to indulge all favours which ſhe ſhould requeſt for thoſe of her Religion. Herein the *Spaniſh* Council acknowledged great ſatisfaction given, and a Paper was conceived and drawn up by a *Junto* of Canoniſts, Lawyers, and Divines, to perſwade the Pope to act his part.

King *James* will not engage in the War; ſends Sir *Walter Aſton* Ambaſſadour into *Spain* to negotiate the Match, and *Gondomar* returns.

Great immunities promiſed by King *James* to the Catholicks.

18 *Jacobi.* 1620.

IN the mean while, an Army of Thirty thouſand was levying in *Flanders*, under the command of Marquis *Spinola*. The King of *England* ſent to know the cauſe of ſo great preparations. The Marquis gave anſwer, That he received his Commiſſion ſealed up, with a charge, not to open it, till his Army were compleated, and brought together to a Rendevouz: But the King had proof enough to aſſure him, that this Army was intended for the *Palatinate*. Yet no more than one Regiment, under the command of Sir *Horatio Vere* could be obtained from him, though

A Regiment under the command of Sir *Horatio Vere* ſent from *England.*

two

two more were promiſed: when *Spinola* had his Rendevouz where he muſtered ſix and twenty thouſand Foot, and four thouſand Horſe, he opened his Commiſſion, which required him to make war againſt all thoſe which ſhould be confederate with the *Bohemian* Rebels; and he communicated the ſame to the Ambaſſador of Great *Britain*. At the ſame time the Engliſh began their march; as brave a Regiment as hath appeared in any age, conſiſting moſt of Gentlemen, under a moſt worthy
A Leader, who was accompanied with the Earls of *Oxford* and *Eſſex*, perſons innobled as well by their own vertues, as by their Progenitors. Other Commanders in this Regiment were Sir *Edward Sackvile*, Sir *Gerard Herbert*, Sir *Robert Knolles*, Captain *Stafford*, Captain *Wilmot*, Captain *William Fairfax*, Sir *John Burlacy*, Captain *Burroughs*, Capt. *Robert Knightly*, &c.

This handful of men reached the *Palatinate* with ſome difficulty, by the aid and conduct of *Henry* Prince of *Naſſau*.

B The Imperial forces became exceeding numerous by large ſupplies from ſeveral Countreys and Provinces. The States Proteſtant of the Upper and Lower *Auſtria*, upon the approach of the *Bavarian* Army, ſeing nothing but manifeſt ruine, renounce their confederacy with the *Bohemians*, and ſubmit to the Emperor, ſaving to themſelves their Rights and Priviledges in Religion. Whereupon the *Bohemians* and their King being but twenty thouſand ſtrong, beſides an Addition of Ten thouſand *Hungarians* from *Bethlem Gabor*, and fearing leaſt *Bavaria* and *Buquoy* joyn-
C ing their forces, ſhould fall into *Bohemia*, thought it beſt to fortify the Frontiers, and to defend their Countrey, which they conceived they might well do, if the Elector of *Saxony* would continue in his Neutrality. The Emperor ſent to the ſaid Elector to execute his Ban or Declaration of Treaſon againſt the Count *Palatine*, and the *Bohemian* Rebels. The *Bohemians* by their Ambaſſadors requeſted him, if he would not own their Cauſe, yet at leaſt to remain neutral. The Duke of *Saxony* replyed to King *Frederick*, That he had often repreſented to him, what ruine was
D like to follow him, by taking anothers Crown; and for his own part, being called upon by the Emperor, to execute his Ban, and chaſtiſe the Rebels, he could not diſobey that juſt Command: The Proteſtant Princes ſent to him again, and gave him notice of *Spinola*'s advance to ſubdue the *Palatinate*, but this did nothing move him. He entred *Luſatia* with ſome forces, and quickly reduced a part of that Province.

In the *Palatinate*, *Spinola* having got the ſtart of the Engliſh, by means of a far ſhorter march, had no ſooner arrived, but he took in divers
E Towns, and prevailed greatly over a ſpiritleſs people; yet he warily declined the hazard of Battel with the Princes of the Union: Neither was the Marqueſs *Ansbach* very forward to engage, or to ſeek or take advantages. The Dutch ſlowneſs was not excuſable, howbeit the great acceſs of ſtrength to the Emperor's party, and this ſlender aid from the King of Great *Britain*, to preſerve his Childrens Patrimony, muſt needs, diſhearten the *German* Princes, and help to diſſolve the Union. After a while, the ſeaſon of the year drew them into their Winter Quarters;
F the Princes retired into their ſeveral Countries, and the Engliſh Regiment was diſpoſed into three principal Garriſons: Sir *Horatio Vere* commanded in *Manheim*, Sir *Gerard Herbert* in *Heidelborough*, and Captain *Burroughs* in *Frankendale*, having onely power to preſerve themſelves within thoſe Walls, whileſt the enemy ranged round about them.

The Proteſtant States of *Auſtria* renounce the confederacy of the *Bohemians*.

The Elector of *Saxony* aſſiſts the Emperor, and executes the Ban againſt the *Palatine*.

Spinola prevails much in the *Palatinate*.

The Armies take up their Winter Quarters.

An. 1620.

A Letter of the Duke of *Buckinghams* to *Gondomar* touching King *James* his bent to the *German* War.

A Letter written from the Marqueſs of *Buckingham* to *Conde Gondomar*, diſcovered the bent of the *Kings* mind and will touching the *German* War, That he was reſolved to continue *Neuter* for Conſcience, Honour, and Examples ſake. In regard of *Conſcience*, judging it unlawful to inthrone and dethrone Kings for Religions ſake; having a quarrel againſt the Jeſuites for holding that opinion: Beſides he ſaw the World inclined to make this a War of Religion, which he would never do. In point of *Honour*; for that when he ſent his Ambaſſador into *Germany* to treat of Peace, in the interim his Son in Law had taken the Crown upon him. And for *Examples* ſake; holding it a dangerous preſident againſt all Chriſtian Princes to allow a ſudden tranſlation of Crowns by the *Peoples Authority*. Nevertheleſs he could not ſit ſtill, and ſee his Children diſpoſſeſſed of their Hereditary Rights, and hopes his Son in Law will make Overtures of Peace, which if ſlighted by the Emperor, he will not loſe the ſeaſon to prepare for the defence of the *Palatinate*. But if his Son will not hearken to his advice, he ſhall be enforced to leave him to his proper Counſels. A B

Notwithſtanding this open, wary and tender proceeding with all care and patience to obſerve the Spaniſh humours, our State Miniſters that were moſt addicted to *Spain*, diſcerned their trifling with us, which they did not ſpare to cenſure, and reſolved to uſe a freer Language; yet ſtill diſcovered a willingneſs to wait their further leiſure, for the Engliſh Patience ſeemed invincible. In the mean time the Privy Council having an eye to the ſupport of the *Palatinate*, began the raiſing of Moneys by way of free gift, and directed Letters of the tenor following, to divers Earls, Viſcounts, Biſhops, and Barons, the ſame Letter being ſent to each reſpectively. C

Octob. 25.

YOU may formerly have heard how the Palatinate *being the ancient Heritage of the Count* Palatine, *his Majeſties Son in Law, and to deſcend to his Majeſties Grand-children, is now invaded by a Foreign Enemy; many principal Towns are ſurprized, a great part of the Country in the poſſeſſion of ſtrangers, and the Inhabitants forced to take an oath againſt their Natural Prince. Whereupon his Majeſty out of conſiderations of Nature, Honour, and State, hath declared himſelf in the courſe of an* Auxiliary War *for the defence and recovery of the ſame; the occaſion being ſo weighty and preſſing, hath moved his Majeſty by the general Advice of us his Council, to think of ſome courſe for proviſion of that nature, as may ſerve as well to the maintenance and preſerving of the preſent ſuccours already ſent, as for the reinforcing them out of thoſe Countries, as the occaſion of the War ſhall require: And for that the ſwiftneſs of the occaſion would not permit a ſupply by other means for the preſent, ſo readily as was needful, we have all concurred to begin with our ſelves, in offer of a voluntary* gift *unto his Majeſty, for the advancement of the preſent occaſion; nothing doubting, but that your Lordſhip being a Peer of the Kingdom, will chearfully and readily follow the example of us begun. And if there were much alacrity and readineſs found in the Nobility, and others, to contribute at the motion of his Majeſties Sons Ambaſſador, at what time the* Palatinate *was not invaded, neither had his Majeſty declared himſelf, you will much more and in a better proportion do it now theſe two weighty Motives do concur; and ſo nothing doubting of your Lordſhips readineſs herein, we bid,* &c. D E F

To the { *Marqueſs of* Winchester, *Earl of* Cumberland, } { *Earl of* Darby, *Earl of* Northumberland, &c.

Alſo a Letter of the ſame form was written to the Lord Mayor of *London*.

But

18 *Jacobi.*

But the short Reign of King *Frederick* was near its period: The Imperial Forces under *Bavaria*, *Buquoy*, and D. *Balthazar*, advance towards *Prague*; and the *Bohemians* quit their Garrisons, to make their Army the more compleat: yet neither Count *Mansfield* nor the English Forces were there. On the Eighth day of *November*, being the Lords day, both Armies met, for the fatal decision of the great Controversie. The *Bohemians* stood upon the advantage-ground, betwixt the Imperialists and *Prague*: But the Enemy breaking through, scattered and ruined their whole Army, and pursued the Victory. The *King* and *Queen* surprized with this Discomfiture, among a wavering People, in a City not very defensible, were constrained to flie the next morning.

Frederick's Forces totally routed in the Battel at *Prague.*

Diminution of Honour was added to the calamity of this Prince, becaus he suffered his Soldiers to mutiny for Pay, when he had a Mass of Money by him, which was left behind to augment the Enemies Conquest. Neither was *Anhalt* the General a fit Person for the high trust reposed in him; who, not long after the defeat, sought and obtained the Emperor's favour, and was made one of his Generals to debel the Protestant Cause and Party. But Count *Mansfield*, whom *Anhalt* slighted, and closed not with him, to bring him up to this Fight, made good his fidelity, and with his flying Army became a continual vexation to the Emperor, harasing his Countries, and forcing Contribution.

His calamity joyned with loss of Honour.

King *James*, upon the news of the *Palsgraves* overthrow, and upon a Narration of the state of Affairs in those parts made unto his Majesty, by the Earls of *Oxford* and *Essex*, newly returned from the *Palatinate*, was pleased to call a full Council together, to consider of this great and weighty affair. The Order ensuing relates the particulars.

At the Court at *Whitehall*, *Jan.* 13. 1620.

Present,

Lord Archbishop of Canterbury.
Lord Chancellor.
Lord Treasurer.
Lord Privy Seal.
Lord Steward.
Lord M. Hamilton.
Lord Chamberlain.
Earl of Arundel.
Earl of Kelly.
Lord V. Doncaster.
Lord V. Falkland.
Lord Carew.
Lord Digby.
Mr. Treasurer.
Mr. Secretary Naunton.
Mr. Secretary Calvert.
Mr. Chanc. of the Exchequer.
Master of the Rolls.
Master of the Wards.

An Order at the Council-Table for recovering the *Palatinate.*

HIs Majesty being resolved to make some Royal preparations for the Recovery and Protection of the Palatinate, being the ancient Inheritance of his Majesties Son in Law, and Grand-children, did in his high wisdom think meet to appoint some persons of knowledge and experience in the Wars, to consider of, and give their advice in such Propositions as shall be made unto them by the Board, for the better expediting of that service. To which purpose, the Earl of Oxford, and the Earl of Essex, the Earl of Leicester, the Lord Viscount Wilmot, the Lord Danvers, the Lord Calfield, Sir Edward Ceyl, Sir Richard Harrison Knights, and Captain Danbingham were called

An. 1620. called to the Table, and made acquainted with his Majesties pleasure, That they, or any Five or more of them, together with Sir Horace Vere, and Sir Edward Conway Knights (if they return into England while this Committee doth continue) shall undertake this service, and have their Meetings and Assemblies in the whole Council-chamber here in White-hall, touching the affairs abovementioned: And that for their better assistance, they call unto them such others of experience, whose advice and opinion they shall think fit to make use of in their several Consultations, upon such things as shall be so referred unto them from the Board. Which they are to prosecute without intermission or delay. And they shall make report of their Opinions, which is to be done in writing under Five of their hands at least. A

The Particulars offered to their Consideration, are these. B

First, What proportion or number of Men, as well Horse as Foot, with Munition, Victuals, Shipping, and Treasure, will be sufficient for that Enterprise.

And secondly, By what time it will be meet, that their Forces be in readiness; And where the Arms, Munition, and Victuals may best be provided; with such other Circumstances, as are incident to any of these Heads.

For the better direction herein, Mr. Secretaries will acquaint them with such Intelligences as they have received, touching the strength of the Enemies Forces now in the Palatinate. C

Moreover, the King, to encourage the Princes of the Union, and to keep them in Arms, sent them Thirty thousand pounds; yet withall resolved to treat for a Peace, and dispatch'd Sir *Edward Villers* into *Silesia*, to fetch the *Palsgrave*'s submission to the Emperor, upon conditions to be conceived according to equity and conveniency.

The *Spaniards* flatter the King.

Never did the *Spaniards* more flatter King *James*, than after the *Defeat* at *Prague*. They affirm, that he shall *ordain*, according to his pleasure, in the *Palsgrave*'s Restitution, and be obey'd; That the *Infanta*'s Portion was preparing, and that the Pope was obliged to grant the Dispensation, from whom they resolve to take no denyal. *Cottington* the Agent in *Spain*, now attested the honesty of *Gondomar*'s Dispatches hither, and cried him up for a cordial man, and well deserving his Majestie's favour. D

This notable *Spanish Engine* had so wrought himself into the King's affections, that he gained the access of a *Favourite*, rather than of an *Ambassador* from a Forreign Prince.

Some in the *English* Court were then suspected to be Pensioners to *Spain*; as may be gathered from the *Spanish* Ambassadors Instructions, received from the King his Master. E

Private Instructions to the *Spanish* Ambassador into *England*.

"BEsides that which I enjoyn you in your general Instructions given "you for *England*, whither I send you to reside, I thought good to "advertise you apart by themselves of the chiefest things of importance, "which you shall there negotiate, and endeavour to further and ad- "vance. F

"It is well known, that I have desired and endeavoured to favour the "Cause of the *Catholicks* of that Kingdom, and to further it to their best "advantage, as well in the time of the Queen deceased, who did so much "prosecute and oppress them, as since the time that the present King hath "succeeded; yet that calamity still continues upon them, by reason of the

"ill

"ill offices done unto them by the *Puritans* and *Proteſtants* (of whom
"the greater part of that Kings Council doth conſiſt:) Howbeit, be-
"cauſe it is a thing that I could not well urge or preſs, without breed-
"ing jealouſies, and ſo cauſe thereby a greater harm to the Catho-
"licks, I have proceeded on my part with that warineſs and *diſſimula-*
"*tion* as is fit.

"*D. A.* ſhall inform you of what hath paſſed in this matter, as alſo
A "in what eſtate things are at this preſent, and how you ſhall govern
"your ſelf for the time to come, according to the orders given unto him,
"whoſe example we wiſh you to follow. And of this take ſpecial heed:
"That although it be believed, that we may be very confident of the
"truſtineſs of thoſe *Catholicks*, by whoſe means the buſineſs of the reſt
"is undertaken, that they will be ſecret; notwithſtanding, leſt any *He-*
"retick ſhall come in the name or ſhew of a Catholick, onely to make
"ſome diſcovery; it ſhall be fit, that in all ſpeeches you ſhall have with
B "them, concerning that which ſhall touch the Catholicks, that you tell
"them, how much I deſire to ſee them freed from thoſe preſſures, under
"which Queen *Elizabeth* put them, and that God would inſpire the
"King's heart, that he may reduce himſelf to the obedience of the *Roman*
"Catholick Church: And adviſe them to endeavour to win the King
"unto them, by ſhewing themſelves good, and loyal, and obedient Sub-
"jects, in temporal duties, and not to meddle any thing againſt his *State*;
"that by their deeds he may ſee, what ſecurity may be expected from
C "them, and may alſo bind himſelf to favour them; theſe being things
"that do no way contradict the obſerving the Catholick Religion, and
"are due from them to the Dignity of their King and Natural Lord:
"And for the ſame reaſon they ought to abſtain from all ill practices, or
"unfitting ſpeech or actions againſt his Perſon, as, is ſaid, ſome heretofore
"have uſed; eſpecially ſeeing no good hath, or can come thereof, and
"thereby they ſhall juſtly provoke him againſt themſelves; and by hold-
"ing this courſe, they ſhall win the King's good will, and the Peace ſhall
D "be preſerved, and by the Peace by little and little, be won and attained
"that which is deſired. By this manner of proceeding it is certain, there
"can come no inconvenience: But in caſe that this your manner of deal-
"ing ſhall come to the Kings knowledge (as poſſibly it may) it will breed
"a great obligation of Brotherhood, and Friendſhip between us, when
"he ſhall ſee, that I carry my ſelf in this ſort in his affairs, and conſequent-
"ly will be the more confident of our amity, and will thereby be in-
"duced the better to ſubdue all malice in them, that ſhall endeavour to
E "perſwade the contrary. And therefore you ſhall have a ſpecial care to
"do this dextrouſly, in due time and ſeaſon; and to inform your ſelf ve-
"ry particularly from the ſaid *D. A.* concerning thoſe with whom you
"may deal confidently, and how far you may truſt the *Negotiants* for the
"Catholicks; though you ſhall do well alway to proceed with the
"aforeſaid caution and warineſs.

"You ſhall underſtand from the ſaid *D. A.* what *Penſions* are allotted
"to certain *Miniſters* of that King, and to other perſons: It will be ne-
"ceſſary to inform your ſelf throughly, of all that concerns this point,
F "and that you know both the *Perſons* and *Penſions*, to ſerve your ſelf
"of them, and to make the beſt uſe of them in all occaſions, that ſhall
"be moſt behoveful for your better direction in the buſineſſes given you
"in charge, and all others that may be offered of conſequence, ſeeing
"the ſaid Penſions were appointed to that end.

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"Whatſoever of the ſaid Penſions you ſhall find unpaid for the time "paſt, *D. A.* is to diſcharge, and you ſhall undertake for the time to "come, telling every one what his Penſion is, to the end they may be "deceived of no part thereof by the Third perſon who conveys it unto "them; and let it be punctually paid at the days, that their good pay- "ment may bind them to perſevere, and do their ſervice punctually; for "the which you ſhall be furniſhed with all that ſhall be neceſſary. And "have a ſpecial care to advertiſe me, how ſuch perſons employ them- A "ſelves in the things that ſhall occur, diſguiſing their names in ſuch man- "ner as *D. A.* doth.

"Above all, you muſt take great care to dive into the eſtate of the "affairs of that King: What his Treaſure is: In what Eſtimation he is "with his Subjects, and what correſpondency and good meaning there "is betwixt them; How the *Engliſh*, *Scotch*, and *Iriſh* ſtand affected among "themſelves, and one towards another, and towards their Neighbours, "and how they are bent againſt me, and my Common Eſtates, or any of B "my particular Kingdoms; Whence they draw their Intelligences, and "particularly what amity and correſpondency that King entertaineth "with *France*, and with the *Neutrals* of *Holland* and *Zealand*, and with "the *Venetians*, and upon what cauſes it is founded, what matters they "treat of, what deſigns they have in hand. All which is very neceſſary to "be known; for the attaining of which, *D. A.* will open unto you ſome "ways, which you muſt follow, beſides thoſe which your ſelf ſhall diſ- "cover. And you ſhall advertiſe me of whatſoever you ſhall underſtand C "and learn, governing your ſelf in all occurrents with that warineſs and "diſcretion, as your zeal to my ſervice doth aſſure me of.

Theſe were the Arts of *Spain*, to corrupt divers in the Court of *England*.

Buckingham and his Dependants followed the Kings inclinations: The Duke of *Lenox*, Marquis *Hamilton*, and *William* Earl of *Pembroke*, diſliking the King's courſe, did not conteſt with him, but onely intimated D their diſſent.

It was ſaid of *Gondomar*, that when he returned into *Spain*, he gave in his Account of diſburſments for Penſions given in *England*, (amongſt others) To Sir *Robert Cotton* 1600 *l.* a perſon of great integrity, and one who was ever averſe to the Houſe of *Auſtria*. Which Sir *Robert* getting notice of, by the Engliſh Agent, then in *Spain*, demanded reparation; which was obtained, but with a *Salvo* to the Ambaſſadours honour, the error being ſaid to be committed by a Dependant upon the Ambaſſador, E and not by himſelf.

The King, being jealous of uncontrolled Soveraignty, and impatient of his Peoples intermedling with the Myſteries of State, had fallen into a great diſlike of Parliaments, and for many years before had given way to Projects and Monopolies: And many of his Miniſters perhaps, fearing an inquiry into their own actions, might ſuggeſt to him, that he might better furniſh himſelf by thoſe ways, and the Match now in treaty, than by Subſides, uſually accompanied with the redreſs of Grievances. F

The King calls a Parliament.

Nevertheleſs, he was now minded to call a Parliament, conceiving it might be of ſpecial uſe: For he obſerved the affections of the People to be raiſed for the recovery of the *Palatinate*; and then concluded, that thoſe affections would open their purſes to the ſupply of his wants; and the Treaty with *Spain* would effect the buſineſs, without the expence and troubles

troubles of War, and the good accord between him and his People would quicken the *Spaniard* to conclude the Match. And accordingly Writs were iſſued forth to aſſemble them the 30 of *January*. In the calling of this Parliament, he recommended to his Subjects the choice of ſuch Members, as were of the wiſeſt, graveſt, and beſt affected people, neither ſuperſtitious, nor turbulent, but obedient Children to this their Mother-Church.

A In the mean while, in *Germany*, the Proteſtant Union continually declined, by the gradual falling away of the ſeveral Partakers. The Elector of *Saxony* reduced the remainder of *Luſatia*. The Province of *Moravia*, upon the approach of *Buquoy*, ſeeing the Count *de Latiere* came not in to their ſuccour, prayed that they might enjoy their Priviledges in matter of Religion, and be recieved into the Emperor's grace and favour: which ſubmiſſion was well received at *Vienna*. Likewiſe the States of *Sileſia* failing of aſſiſtance from the Elector *Palatine*, were conſtrained to B make their peace.

The Proteſtant Union declines in *Germany*.

Then the *Palatine* propounded to the Elector of *Saxony* an Overture of Peace, declaring, That he took the Crown upon him to preſerve the Proteſtants in the free exerciſe of their Religion. The *Saxon* replied, That he had no way to make his Peace, but to renounce the Kingdom of *Bohemia*, and the Provinces incorporate, and to beg the Emperors pardon. Afterwards the Elector *Palatine* goeth to *Brandenburgh*, and then to *Segenburgh*, where there was an aſſembly of Princes and States Proteſtant, C to oppoſe the exploits of *Spinola*. In the mean while, Count *Mansfield* ſtirs in *Bohemia*, pillages ſeveral Towns, and the Goods of all thoſe that cried, *God ſave King Ferdinand*.

The *Palatine* propounds a Peace to the Elector of *Saxony*.

The relation of *England* to thoſe affairs of Foreign States, had cauſed a general liberty of diſcourſe concerning matters of State, which King *James* could not bear, but, by Proclamation, commanded all, from the higheſt to the loweſt, not to intermeddle, by Pen or Speech, which State-concernments, and ſecrets of Empire, either at home or abroad; which D were no fit Themes or Subjects for vulgar perſons, or common meetings.

The King puts forth a Proclamation, forbidding diſcourſe of State-affairs.

On the Thirtieth of *January*, the Parliament began to ſit, and the King came in Perſon, and made this Speech.

"MY Lords Spiritual and Temporal, and you the Commons. "*Cui multiloquio non deeſt peccatum.* In the laſt Parliament I made "long diſcourſes, eſpecially to them of the Lower Houſe: I did open the E "true thoughts of my heart; but I may ſay with our Saviour, *I have "piped to you, and you have not danced; I have mourned, and you have not "lamented.* Yet as no mans actions can be free, ſo in me God found ſome "ſpices of vanity, and ſo all my ſayings turned to me again without any "ſucceſs. And now to tell the reaſons of your calling, and this meeting, "apply it to your ſelves, and ſpend not the time in long Speeches. Con-"ſider, that the Parliament is a thing compoſed of a Head and a Body, "the *Monarch*, and the Two *Eſtates*; It was firſt a Monarchy, then after F "a Parliament. There are no Parliaments, but in Monarchical Govern-"ments; for, in *Venice*, the *Netherlands*, and other Free Governments, "there are none. The Head is to call the Body together: And for the "Clergy, the Biſhops are chief; for Shires, their Knights; and for "Towns and Cities, their Burgeſſes and Citizens. Theſe are to treat of "difficult matters, and to counſel their King with their beſt advice to "make

The King's Speech to the Parliament.

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"make Laws for the Common-weal. And the Lower Houſe is alſo to "petition their King, and acquaint him with their Grievances, and not to "meddle with their Kings *Prerogative*. They are to offer ſupply for his "Neceſſity, and he to diſtribute in recompence thereof Juſtice and Mer- "cy. As in all Parliaments, it is the Kings Office to make good Laws, "(whoſe fundamental cauſe is the Peoples ill manners) ſo at this time, "that we may meet with the new abuſes, and the incroaching craft of "the times: particulars ſhall be read hereafter.

"As touching *Religion*, Laws enough are made already. It ſtands in "two points, Perſwaſion, and Compulſion: Men may perſwade, but God "muſt give the bleſſing. *Jeſuits*, *Prieſts*, *Puritans*, and *Sectaries*, erring "both on the right hand and left hand, are forward to perſwade unto "their own ends; and ſo ought you the *Biſhops*, in your example and "preaching: But Compulſion to obey is to bind the Conſcience.

"There is talk of the *Match* with *Spain*: But if it ſhall not prove a "furtherance to Religion, I am not worthy to be your King: I will ne- "ver proceed but to the glory of God, and content of my Subjects.

"For a *Supply* to my neceſſities: I have reigned Eighteen years, in "which time you have had peace, and I have received far leſs ſupply than "hath been given to any King ſince the Conqueſt: The laſt Queen of "famous memory, had one year with another above a hundred thouſand "pounds *per annum* in Subſidies; and in all my time I have had but Four "Subſidies, and Six Fifteens. It is ten years ſince I had a Subſidy, in all "which time I have been ſparing to trouble you: I have turned My ſelf "as nearly to ſave expences as I may; I have abated much in My Houſ- "hold expences, in My Navies, in the charge of My Munition; I made "not choice of an old beaten Souldier for my Admiral, but rather choſe "a * Young man, whoſe honeſty and integrity I knew, whoſe care hath "been to appoint under him ſufficient men, to leſſen My Charges, which "he hath done.

*Buckingham.

"Touching the miſerable diſſenſions in Chriſtendom, I was not the "cauſe thereof; for the appeaſing whereof I ſent my Lord of *Doncaſter*, "whoſe journey coſt me Three thouſand five hundred pounds. My Son "in Law ſent to Me for advice, but within three days after accepted of "the Crown; which I did never approve of, for three Reaſons.

"Firſt, for Religion's ſake, as not holding with the Jeſuits diſpoſing "of Kingdoms; rather learning of our Saviour to uphold, not to over- "throw them.

"Secondly, I was not Judge between them, neither acquainted with "the Laws of *Bohemia*. *Quis me Judicem fecit?*

"Thirdly, I have treated a Peace, and therefore will not be a Party; "yet I left not to preſerve my Childrens Patrimony: For I had a Con- "tribution of my Lords and Subjects, which amounted to a great ſum. "I borrowed of my Brother of *Denmark* Seven thouſand five hundred "pounds to help him, and ſent as much to him as made it up Ten thou- "ſand; and Thirty thouſand I ſent to the Princes of the Union, to "hearten them. I have loſt no time: had the Princes of the Union done "their parts, that handful of Men I ſent had done theirs. I intend to ſend, "by way of perſwaſion, which in this age will little avail, unleſs a ſtrong "hand aſſiſt: Wherefore I purpoſe to provide an Army the next Sum- "mer, and deſire you to conſider of My Neceſſities, as you have done "to My Predeceſſors. *Qui cito dat, bis dat: I will engage My Crown, My "Blood, and My Soul in that Recovery,*

"You

18 *Jacobi.*

"You may be informed of me in things in courſe of Juſtice; but I never "ſent to any of My Judges to give ſentence contrary to Law. Conſider "the Trade, for the making thereof better; and ſhew Me the reaſon why "My Mint for theſe eight or nine years hath not gone. I confeſs I have "been liberal in My Grants; but, if I be informed, I will amend all hurtful "Grievances: But who ſhall haſten after Grievances, and deſire to make "himſelf popular, he hath the ſpirit of Satan: If I may know my Errors, A "I will reform them. I was in My firſt Parliament a Novice; and in My "laſt there was a kind of Beaſts called *Undertakers*, a dozen of whom un- "dertook to govern the laſt Parliament, and they led Me. I ſhall thank "you for your good office, and deſire that the World may ſay well of "Our agreement.

In this Parliament, the Commons preſented Sir *Tho. Richardſon* for their Speaker.

B The King minded his former Engagements, and in the beginning of the Parliament ſends Sir *John Digby*, now made Lord *Digby*, into *Flanders*, to the Archduke *Albertus*, to gain a preſent Ceſſation from War, and to make way for a Treaty of Peace with the Emperour. And alſo about the ſame time, he ſent Mr. *George Gage* to *Rome*, to joyn with *Padre Maeſtre*, the Spaniſh Agent, in negotiating the Popes Diſpenſation. The Archduke at *Bruxels*, aſſented to a Reconciliation in favour of our King, and obtained from Marquis *Spinola* a ſuſpention of all hoſtility againſt the Countrey and Subjects of the Elector *Palatine*, which continued till the death C of Archduke *Albert*, who died 17° *Julii* following. So the Lord *Digby* returned into *England*, bringing the Ceſſation of Arms, about the ſame time that Sir *Edward Villers* brought the *Palſgrave*'s Submiſſion. But the Twelve years Peace between *Spain* and the *United Provinces* at this time expiring, *Spinola* returned into *Flanders*, and left the *Palatinate* to the Imperial Forces.

The L. *Digby* ſent Ambaſſador into *Flanders*, and Mr. *Gage* to *Rome*.

After the Aſſembly at *Segenbergh*, the Palatine and his Princeſs took their journey into *Holland*, where they found a refuge and noble enter- D tainment with the Prince of *Orange*, who gave a high teſtimony of honour to the Electreſs at her firſt arrival, for her magnanimous carriage in *Bohemia*.

The Palatine and his Princeſs go into *Holland*.

The Ambaſſage of *Weſton* and *Conway* prevailed little. The Emperor went on in a ſevere Reformation, and frequent Executions among that vanquiſh'd people: he deſtroyed moſt of their ancient Laws, and made new Ordinances: declaring a Sovereignty over them, not as an Elected King, but as a Lord by right of Conqueſt.

The Emperor proceeds ſeverely with the *Bohemians*.

E More Princes of the Union reconcile themſelves to the Emperor: The Imperial Proteſtant Towns, *Strasburgh*, *Worms*, and *Nuremburgh*, ſubſcribe to Conditions of Peace. The reconciled Princes and States intercede for the Elector *Palatine*; but their motion diſpleaſed the Emperor, who alledged, That the *Palatine* did not acknowledge his faults, nor ſue for Pardon, but made Levies in *Holland* and elſewhere, to renew the War in the Empire. For the King of *Denmark*, the *United Provinces*, and divers *German* Princes, did adhere to the *Palſgrave*'s cauſe, and ſtickle F for him. But the Princes Confederates being already ſcattered, and the heart of the Union broken; thoſe counſels and enterpriſes of War on his behalf, inſtead of repreſſing the progreſs of the *Auſtrian* Party, did miniſter occaſion of their more abſolute and plenary Conqueſt.

Imperial Proteſtant Towns reconcile themſelves to the Emperor, and intercede for the Palatine, but in vain.

But to return to the Parliament in *England*. They petition the King for the due execution of Laws againſt Jeſuits, Seminary Prieſts, and Popiſh

An. 1621. Grievances propoſed in Parliament.

Popiſh Recuſants. Likewiſe they take in hand to redreſs the Peoples Grievances by illegal Patents and Projects, and chiefly that of Inns and Alehouſes, for which there was a great Fine, and an Annual Revenue throughout the Kingdom; and the Monopoly of Gold and Silver thread, whereby the people were abuſed with baſe and counterfeit Wares. But the examination of theſe Abuſes was accompanied with the grant of Two Subſidies, which was very acceptable to the King. Sir *Giles Mompeſſon* was convened before the Houſe of Commons for many heinous offences and miſdemeanors in this kind, to the intolerable grievance of the Subject, the great diſhonour of the King, and the ſcandal of his Government. The Delinquent was committed to Priſon, but he eſcaped thence, and got beyond-ſea, and was purſued by the Kings Proclamation.

Sir *Giles Mompeſſon* impriſoned, but eſcapes beyond-ſea.

The Commons, at a Conference with the Lords, offered to prove, That the Patents of Gold and Silver-thread, of Inns and Ale-houſes, and of power to compound for obſolete Laws, of the price of Horſe-meat, Starch, Cords, Tobacco-pipes, Salt, Train-oil, and the reſt, were all illegal: Howbeit, they touch'd not the tender point of Prerogative; but in reſtoring the Subject's Liberty were careful to preſerve the King's Honour. The Lords reſolved to admit no other buſineſs, till this were ended.

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Hereupon the King came to the Houſe of Lords, and there made a Speech.

The King's Speech to the Lords.

"MY Lords, The laſt time I came hither, My errand was to inform you (as well as My memory could ſerve Me of things ſo long paſt) "of the verity of My proceedings, and the caution uſed by Me in paſſing "thoſe Letters Patents, which are now in queſtion before you, to the "effect, that they might not be abuſed in the execution. And this I did "by way of Declaration. But now I am come (underſtanding the time "of your Cenſure at hand) to expreſs My readineſs to put in execution "(which is the life of the Law) thoſe things which ye are to ſentence; "(for even the Law it ſelf is a dead Letter without execution) for which "Office, God hath appointed Me in theſe Kingdoms. And though I aſſure "My Self, that My former behaviour, in all the courſe of My life, hath "made Me well known for a Juſt King; yet in this ſpecial caſe I thought "fit to expreſs My Own intentions out of My own Mouth, for puniſh-"ment of things complained of: The firſt proof whereof I have given, by "the diligent ſearch I cauſed to be made after the perſon of Sir *Giles* "*Mompeſſon*, who, though he were fled, yet My Proclamation purſued "him inſtantly: And as I was earneſt in that, ſo will I be to ſee your "Sentence againſt him put in execution.

"Two reaſons move Me to be earneſt in the execution of what ye are to "ſentence at this time.

"Firſt, That duty I owe to God, who hath made Me a King, and "tied Me to the care of Government by that politick Marriage betwixt "Me and My People; For I do aſſure you, in the heart of an honeſt Man, "and by the Faith of a Chriſtian King, (which both ye and all the world "know Me to be) had theſe things been complained of to Me before the "Parliament, I would have done the Office of a Juſt King, and out of "Parliament have puniſhed them as ſeverely, and peradventure more, "than ye now intend to do. But now that they are diſcovered to Me in "Parliament, I ſhall be as ready in this way, as I ſhould have been in the "other: For I confeſs I am aſhamed (theſe things proving ſo as they are

"generally

"generally reported to be) that it was not My good fortune to be the
"onely Author of the Reformation and puniſhment of them by ſome
"ordinary Courts of Juſtice. Nevertheleſs, ſince theſe things are
"new diſcovered by *Parliament*, which before I knew not of, nor could
"ſo well have diſcovered otherwiſe, in regard of that Repreſentative
"Body of the Kingdom which comes from all parts of the Countrey, I
"will be never a whit the ſlower to do My part for the execution: For,
A "(as many of you as are here have heard me often ſay, and ſo I will
"ſtill ſay) ſo precious unto me is the publick good, that no private per-
"ſon whatſoever (were he never ſo dear unto Me) ſhall be reſpected by
"Me, by many degrees, as the publick good; not onely of the whole
"Commonwealth, but even of a particular Corporation that is a Mem-
"ber of it. And, I hope, that ye, My Lords, will do Me that right, to pub-
"liſh to My people this My heart and purpoſe.

"The ſecond reaſon is, That I intend not to derogate or infringe
B "any of the Liberties or Priviledges of this Houſe, but rather to fortifie
"and ſtrengthen them: For never any King hath done ſo much for the
"Nobility of *England* as I have done, and will ever be ready to do.
"And whatſoever I ſhall ſay, and deliver unto you as My thought; yet
"when I have ſaid what I think, I will afterwards freely leave the
"Judgment wholly to your Houſe. I know you will do nothing but what
"the like hath been done before: And I pray you be not jealous, that
"I will abridge you of any thing that hath been uſed; for whatſoever
C "the Precedents (in times of good Government) can warrant, I will al-
"low; for I acknowledge this to be the Supreme Court of Juſtice,
"wherein I am ever preſent by Repreſentation. And in this ye may be
"the better ſatisfied by My own preſence, coming divers times among
"you. Neither can I give you any great aſſurance, or better pledge of
"this My purpoſe, than that I have done you the honour to ſet My
"onely Son among you, and hope that ye, with him, ſhall have the means
"to make this the happieſt *Parliament* that ever was in *England*.

D "This I profeſs, and take comfort in, That the *Houſe of Commons* at
"this time, have ſhewed greater love, and uſed Me with more reſpect
"in all their proceedings, than ever any *Houſe of Commons* have hither-
"to done to me, or, I think, to any of my *Predeceſſors*. As for this Houſe
"of yours, I have always found it reſpective to Me, and accordingly
"do I, and ever did, favour you, as you well deſerved. And I hope it
"will be accounted a happineſs for you, that My *Son* doth now ſit among
"you, who when it ſhall pleaſe God to ſet him in My Place, will then re-
E "member, that he was once a *Member* of your Houſe, and ſo be bound
"to maintain all your lawful Priviledges, and like the better of you all
"the days of his life. But becauſe the World, at this time, talks ſo
"much of *Bribes*, I have juſt cauſe to fear, the whole Body of this
"Houſe hath bribed him to be a good Inſtrument for you upon all oc-
"caſions: He doth ſo good Offices in all his reports to Me, both for
"the Houſe in general, and every one of you in particular. And the
"like I may ſay of one that ſits there, *Buckingham*, he hath been ſo ready
F "upon all occaſions of good Offices, both for the Houſe in general, and
"every Member in particular. One proof thereof, I hope, my Lord
"of *Arundel* hath already witneſſed unto you, in his Report made unto
"you of My Anſwer, touching the Priviledges of the Nobility, how
"earneſtly he ſpake unto me of that matter.

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"Now, my Lords, the time draws near of your *Receſs*; whether formality will leave you time for proceeding now to ſentence againſt all, or any of the perſons now in queſtion, I know not; but, for my part, ſince both Houſes have dealt ſo lovingly and freely with me, in giving me a free gift, Two Subſidies, in a more loving manner than hath been given to any King before, and ſo accepted by me: And ſince I cannot yet retribute by a general Pardon (which hath by form uſually been reſerved to the end of a Parliament) the leaſt I can do, (which I can forbear no longer) is to do ſomething in preſent, for the eaſe and good of My people. Three Patents at this time have been complained of, and thought great Grievances. A

1. *That of the Inns and Hoſteries.*
2. *That of Ale-houſes.*
3. *That of Gold and Silver Thread.*

"My purpoſe is to ſtrike them all dead; and that time may not be loſt, I will have it done preſently. That concerning Ale-houſes, I would have to be left to the managing of Juſtices of the Peace, as before. That of Gold and Silver thread was moſt vilely executed, both for wrong done to mens perſons, as alſo for abuſe in the ſtuff; for it was a kind of falſe Coin. I have already freed the perſons that were in priſon, I will now alſo damn the Patent, and this may ſeem in ſtead of a Pardon. All theſe three I will have recalled by Proclamation, and wiſh you to adviſe of the fitteſt form to that purpoſe. B

"I hear alſo there is another Bill amongſt you againſt Informers. I deſire you, my Lords, that as you tender My Honour, and the good of My people, ye will put that Bill to an end, as ſoon as you can; and at your next meeting to make it one of your firſt works. For I have already ſhewed my diſlike of that kind of people openly in *Star-Chamber*; and it will be the greateſt eaſe to me, and all thoſe that are near about me at Court, that may be: For, I remember, that ſince the beginning of this Parliament, *Buckingham* hath told me, he never found ſuch quiet and reſt, as in this time of Parliament, from Projectors and Informers, who at other times miſerably vexed him at all hours. C D

"And now I confeſs, that when I looked before upon the face of the Government, I thought (as every man would have done) that the people were never ſo happy as in my time: For, even as at divers times, I have looked upon many of My Copices, riding about them, and they appeared on the out-ſide very thick and well grown, unto me; but when I turned into the midſt of them, I found them all bitten within, and full of plains and bare ſpots; like the Apple or Pear, fair and ſmooth without, but when you cleave it aſunder, you find it rotten at heart. Even ſo this Kingdom, the *External Government* being as good as ever it was, and, I am ſure, as learned Judges as ever it had, and, I hope, as honeſt adminiſtring Juſtice within it; and for Peace, both at home and abroad, I may truly ſay, more ſettled and longer laſting, than ever any before; together with as great plenty as ever: ſo as it was to be thought, that every man might ſit in ſafety under his own Vine and Fig-tree: Yet I am aſhamed (and it makes My hair ſtand up-right) to conſider, how in this time My people have been vexed and polled by the vile execution of Projects, Patents, Bills of Conformity, and ſuch like; which beſides the trouble of My people, have more exhauſted their purſes, than Subſidies would have done. E F

"Now, My Lords, before I go hence, ſince God hath made Me the

"*Great*

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" *Great Judge* of this Land under him, and that I muſt anſwer for the Ju-
" ſtice of the ſame: I will therefore according to my place, remember you
" of ſome things, though I would not teach you; For no mans Know-
" ledge can be ſo good, but their Memories will be the better to be re-
" freſhed. And now, becauſe you are coming to give Judgment, (all
" which moves from the King) that you may the better proceed, take into
" your care two things, 1. To do *Bonum.* 2. To do it *Bene.*

A " I call *Bonum*, when all is well proved whereupon ye Judge; for then
" ye build upon a ſure Foundation. And by *Bene*, I underſtand, that ye
" proceed with all Formality and Legality, wherein you have fit occaſion
" to adviſe with the Judges, who are to aſſiſt you with their Opinions in
" caſes of that nature; and wo be to them, if they adviſe you not well. So
" the ground being good, and the form orderly, it will prove a courſe fit-
" ting this High Court of Parliament.

B " In Sentence ye are to obſerve two parts: Firſt, To recollect that
" which is worthy of judging and cenſuring; and Secondly, To proceed
" againſt theſe as againſt ſuch-like crimes properly. We doubt there will
" be many matters before you; ſome complained of out of Paſſion, and
" ſome out of juſt cauſe of Grievance: Weigh both, but be not carried
" away with the impertinent diſcourſes of them that name as well Inno-
" cent men as guilty. Proceed judicially, and ſpare none where ye finde
" juſt cauſe to puniſh: But let your proceedings be according to Law, and
" remember that Laws have not their Eyes in their Necks, but in their
C " Foreheads. For, the Moral Reaſon for the puniſhment of Vices in all
" Kingdoms and Commonwealths, is, becauſe of the Breach of Laws
" ſtanding in force: For, none can be puniſhed for Breach of Laws by
" Predeſtination, before they be made.

" There is yet one particular that I am to remember you of. I hear
" that Sir *Henry Yelverton* (who is now in the Tower upon a Sentence
" given in the *Star-chamber* againſt him, for deceiving my truſt) is touch-
" ed concerning a Warrant Dormant which he made while he was my
D " Attorney. I proteſt I never heard of this Warrant Dormant before;
" and I hold it as odious a matter, as any is before you. And, if for re-
" ſpect to me, ye have forborn to meddle with him in Examination, be-
" cauſe he is my Priſoner, I do here freely remit him unto you, and put
" him into your hands.

" And this is all. I have to ſay unto you at this time, wiſhing you to
" proceed juſtly and nobly according to the Orders of your Houſe; and
" I pray God to bleſs you, and you may aſſure your ſelves of my aſſiſtance,
E " wiſhing that what I have ſaid this day among you, may be entred into
" the Records of this Houſe.

The Lords pronounced Sentence upon Sir *Giles Mompeſſon*, who was fled beyond Sea.

Sentence given againſt Sir *Giles Mompeſſon.*

1. *THat he ſhall be degraded of the Order of Knighthood, with reſervation of the Dignity of his Wife and Children.*

F 2. *That he ſhall ſtand perpetually in the degree of his perſon, Outlawed for Miſdemeanor and Treſpaſs.*

3. *That his teſtimony be received in no Court, nor he to be of any Inquiſition or Jury.*

4. *That he ſhall be excepted out of all General Pardons to be hereafter granted.*

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5. *That he ſhall be impriſoned during life.*
6. *That he ſhall not approach within Twelve miles of the Court or Prince, nor of the Kings High Court uſually held at* Weſtminſter.
7. *And that the Kings Majeſty ſhall have the profit of his Lands for life, and all his goods and chattels ſo forfeited; and that he ſhall undergo Fine and Ranſome, which was ſet at Ten thouſand pounds.*
8. *Diſabled to hold or receive any Office under the King, or for the Commonwealth.*
9. *That he ſhall be ever held an infamous perſon.*
10. *And his Majeſty added thereunto perpetual Baniſhment.*

And Sir *Francis Michel* his Compartner in Projects.

Sir *Francis Michel*, a Projector, and *Mompeſſons* Compartner, was fined One thouſand pound, degraded and impriſoned in the ſame place in *Finsbury* Fields, which he had prepared for others: For the *Tower* was thought too honourable for ſuch a perſon. He rode likewiſe from *Weſtminſter* into *London* with his face to the Horſe-tail. Likewiſe the King revoked his Letters Patents, Commiſſions, and Proclamations concerning Inns and Ale-houſes, and the Manufactures of Gold and Silver Thred.

To theſe Reformations the King gave encouragement by his Third Speech in Parliament, wherein he declared much againſt Corruption and Bribery in Judicatures; profeſſing, That no perſon ſhould be preferred before the publick good, and that no offender ſhould go unpuniſhed. In the ſame Speech he gave them thanks for the Subſidies given in the beginning of the Parliament, and for the Title of the Grant, and proceeded to open his preſent ſtate in relation to his Son in Law, the Prince Elector *Palatine*; how the ſumms granted by the Act of Subſidy were taken up before-hand for the defence of the *Palatinate*, and the maintenance of his Children expelled out of their Countrey, and for the raiſing of an Army for that recovery: That he had procured a ſhort Truce, and did hope to obtain a general peace. But the charges of ſending Ambaſſadors over Chriſtendom, or an Army into the *Palatinate*, in caſe a Peace were not ſetled, could not be born, but by the grant of more Subſidies. Moreover he proteſted before God, That he would not diſſolve the Parliament till the matters in agitation were finiſhed.

Lord Chancellor *Bacon* accuſed and convicted of Bribery.

Soon after the Lord Chancellor *Bacon* was proceeded againſt, and a Conference of both Houſes was held concerning him: Where, firſt, the Commons obſerved his incomparable good parts, which they highly commended; ſecondly, They magnified the place he held, from whence Bounty, Juſtice, and Mercy, were to be diſtributed to the Subjects; whither all great Cauſes were drawn, and from whence there was no Appeal, in caſe of injuſtice, or wrong done, ſave to the Parliament. Thirdly, He was accuſed of great Bribery and Corruption in this eminent place, and the particulars were laid open: Then they concluded that this matter which concerned a perſon of ſo great eminency, might not depend long before their Lordſhips; but that the Examination of Proofs be expedited, that as he ſhall be found upon tryal, either he or his accuſers might be puniſhed.

After this, the Marqueſs of *Buckingham*, Lord Admiral, declared to the Houſe of Lords, That he had received a Letter from the the Chancellor, expreſſing that he was indiſpoſed in health, but whether he lived or died, he would be glad to preſerve his Honour and Fame as far as he was worthy, deſiring to be maintained in their good opinions without prejudice,

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prejudice, till his cauſe was heard; that he ſhould not trick up Innocency with cavillation, but plainly and ingenuouſly declare what he knew or remembred; being happy, that he had ſuch Noble Peers, and Reverend Prelates to diſcern of his Cauſe; That he deſired no priviledge of greatneſs for Subterfuge of guiltineſs, but meaned to deal fairly and plainly with their Lordſhips, and to put himſelf upon their Honours and Favours.

A But the Charge came home upon him, inſomuch, that he abandoned all defence, and onely implored a favourable judgment in this humble Submiſſion and Supplication to the Houſe of Lords.

May it pleaſe your Lordſhips,

B *I Shall humbly crave at your hands a benign Interpretation of that which I ſhall now write: for words that come from waſted ſpirits, and oppreſſed mindes, are more ſafe in being depoſited to a noble conſtruction, than being circled with any reſerved Caution.*

This being moved (and as I hope obtained of your Lordſhips) as a protection to all that I ſhall ſay, I ſhall go on; but with a very ſtrange entrance, as may ſeem to your Lordſhips at firſt: For, in the midſt of a ſtate of as great affliction as I think a mortal man can endure (Honour being above Life) I ſhall begin with the profeſſing of gladneſs in ſome things.

C *The firſt is, That hereafter the greatneſs of a Judge or Magiſtrate, ſhall be no ſanctuary or protection to him againſt guiltineſs, which is the beginning of a golden work.*

The next, That after this example, it is like that Judges will flie from any thing in the likeneſs of Corruption (though it were at a great diſtance) as from a Serpent; which tends to the purging of the Courts of Juſtice, and reducing them to their true honour and ſplendor. And in theſe two points (God is my witneſs, though it be my fortune to be the Anvile upon which theſe two

D *effects are broken and wrought) I take no ſmall comfort. But to paſs from the motions of my heart, (whereof God is my Judge) to the merits of my Cauſe, whereof your Lordſhips are Judges under God, and his Lieutenant; I do underſtand there hath been heretofore expected from me ſome juſtification; and therefore I have choſen one onely juſtification, inſtead of all others, out of the juſtification of* Job. *For after the clear ſubmiſſion and confeſſion which I ſhall now make unto your Lordſhips, I hope I may ſay and juſtifie with* Job *in theſe words,* I have not hid my ſin, as did *Adam,* nor concealed my faults in

E my boſome. *This is the onely juſtification which I will uſe.*

It reſteth therefore, That without Fig-leaves I do ingeniouſly confeſs and acknowledge, that having underſtood the particulars of the Charge, not formally from the Houſe, but enough to inform my Conſcience and memory: I finde matter ſufficient and full, both to move me to deſert my Defence, and to move your Lordſhips to condemn and cenſure me. Neither will I trouble your Lordſhips by ſingling theſe particulars which I think might fall off. Quid te exempta juvat ſpinis de pluribus uva? *Neither will I prompt your Lordſhips to ob-*

F *ſerve upon the proofs where they come not home, or the ſcruple touching the credits of the Witneſſes. Neither will I repreſent to your Lordſhips, how far a Defence might in divers things extenuate the offence, in reſpect of the time and manner of the guilt, or the like Circumſtances; but onely leave theſe things to ſpring out of your more noble thoughts, and obſervations of the evidence, and examinations themſelves, and charitably to wind about the particulars*

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culars of the Charge, here and there, as God ſhall put into your minde, and ſo ſubmit my ſelf wholly to your Piety and Grace.

And now I have ſpoken to your Lordſhips as Judges, I ſhall ſay a few words unto you as Peers and Prelates, humbly commending my Cauſe to your noble minds, and magnanimous affections.

Your Lordſhips are not ſimply Judges, but Parliamentary Judges; you have a further extent of Arbitrary power than other Courts; and if you be not tyed by ordinary courſe of Courts, or Precedents, in points of ſtrictneſs and ſeverity, A *much leſs in points of Mercy and Mitigation: And yet if any thing which I ſhall move, might be contrary to your honourable and worthy End (the introducing a Reformation) I ſhould not ſeek it. But herein I beſeech your Lordſhips to give me leave to tell you a ſtory.*

Titus Manlius *took his Sons life, for giving battel againſt the Prohibition of his General: Not many years after, the like ſeverity was purſued by* Papirius Curſor, *the Dictator, againſt* Quintus Maximus; *who being upon the point to be ſentenced, was by the interceſſion of ſome particular perſons of* B *the Senate ſpared: Whereupon* Livy *maketh this grave and Gracious obſervation,* Neque minus firmata eſt Diſciplina Militaris periculo *Quinti Maximi,* quam miſerabili ſupplicio *Titi Manlii. The Diſcipline of War was no leſs eſtabliſhed by the queſtioning of* Quintus Maximus, *than by the puniſhment of* Titus Manlius; *and the ſame reaſon is in the Reformation of Juſtice. For the queſtioning of men in eminent places, hath the ſame terror, though not the ſame rigor with the puniſhment. But my Cauſe ſtays not there;* C *for my humble deſire is, That His Majeſty would take the Seal into his hands; which is a great downfall, and may ſerve, I hope, in it ſelf for an expiation of my faults.*

Therefore, if Mercy and Mitigation be in your Lordſhips power, and no way croſs your ends, Why ſhould I not hope of your favour and commiſeration? Your Lordſhips will be pleaſed to behold your chief pattern, the King our Soveraign, a King of incomparable Clemency, and whoſe heart is inſtructable for Wiſdom and Goodneſs; And your Lordſhips will remember there ſate not theſe Hundred years before, a Prince in your Houſe, and never ſuch a Prince, whoſe preſence D *deſerveth to be made memorable by Records, and Acts mixt of Mercy and Juſtice. Your ſelves are either Nobles (and compaſſion ever beateth in the Veins of Noble Blood) or Reverend Prelates, who are the Servants of him that would not break the Bruiſed Reed, or quench the Smoaking Flax. You all ſit upon a high Stage, and therefore cannot but be ſenſible of the change of humane conditions, and of the fall of any from high place.*

Neither will your Lordſhips forget that there are Vitia temporis, *as well as* Vitia hominis; *and the beginning of Reformation hath the contrary power to* E *the Pool of* Bethesda; *for, that had ſtrength to cure him onely that was firſt caſt in, and this hath ſtrength to hurt him onely that is firſt caſt in; and for my part, I wiſh it may ſtay there, and go no further.*

Laſtly, I aſſure my ſelf, your Lordſhips have a noble feeling of me, as a member of your own Body, and one that in this very Seſſion had ſome taſte of your loving affections, which, I hope, was not a lightning before the death of them, but rather a ſpark of that grace which now in the concluſion will more appear: And therefore my humble Suit to your Lordſhips, is, That my penitent Submiſſion F *may be my Sentence, the loſs of my Seal my puniſhment, and that your Lordſhips would recommend me to His Majeſties Grace and Pardon for all that is paſt. Gods holy Spirit be among you.*

The Parliament not ſatisfied with this general Acknowledgment, do require

require the Chancellor, either to confeſs the particulars of the Charge, or they would deſcend to proof againſt him. Hereupon he came to an expreſs and plain acknowledgment, even to confeſs his Servants receipt of a dozen of Buttons, as a gift, in a Cauſe depending before him; and put himſelf upon their Lordſhips mercy. And he further ſaid, "That he "was never noted for an avaritious man; and the Apoſtle ſaith, *Cove-* "*touſneſs is the root of all evil*; and hoped their Lordſhips did find him in A "a ſtate of Grace, for that in all particular Charges againſt him, there "were few or none that were not almoſt two years old, whereas thoſe "that have the habit of corruption, do commonly wax worſe and worſe; "and for his Eſtate, it was ſo mean and poor, that his care was now chief- "ly to ſatisfie his debts. The Lords afterwards pronounced him guil- ty of the charge exhibited againſt him, and in the preſence of the Commons gave ſentence, *That he ſhould undergo Fine and Ranſome, and be made incapable to bear Office*, &c.

B This learned Peer, eminent over the Chriſtian World for his many Writings extant in Print, was known to be no admirer of Money, yet had the unhappineſs to be defiled therewith: He treaſured up nothing, either for himſelf or his Family, for he both lived and died in debt; he was over-indulgent to his Servants, and connived at their takings, and their ways betrayed him to that error; they were profuſe and expen- ſive, and had at command whatever he was maſter of. The gifts taken were, for the moſt part, for interlocutory Orders; his Decreees were ge- C nerally made with ſo much equity, that though gifts rendred him ſuſ- pected for injuſtice, yet never any Decree made by him was reverſed as unjuſt, as it hath been obſerved by ſome knowing in our Laws.

About the ſame time Sir *Henry Yelverton* was accuſed by the Com- mons; who, by charging him, rendred him the leſs offender; and he there- by had the opportunity to ſpeak that at the Bar, which he durſt not ſay in the *Tower*, where he was yet a priſoner, upon a late Sentence in the *Star-* D *chamber*, for paſſing ſome Clauſes in the City Charter, when he was At- torney-General, not agreeable to his Majeſties Warrant. The matter charged againſt him by the Commons, was, for committing divers perſons for not entring into Bonds to reſtrain their own Trades: That he ſign- ed Dormant Warrants, having no authority for the ſame: That he adviſed the Patents of Gold and Silver Thred, to be re-aſſumed into the King's hands, conceiving the ſame to be a Monopoly, and adviſed the Patentees to proceed by contract with the King: That four thouſand *Quo Warranto's* were granted by him touching the Patents of Inns, and E but two to come to Trial: That he commenced divers Suits in the *Ex-* *chequer*, touching the Gold and Silver Thred, but did not proſecute the ſame.

Sir *Henry* accuſed by the Commons.

Which Charge being read unto him, he ſaid, He thought himſelf happy in the midſt of his Majeſties diſfavour, that his Majeſty was plea- ſed to caſt the Grace upon him, as to ſend him to this Honourable Houſe; That *Innocence* hath her preſent Anſwer, but *Wiſdom* requires time. Therefore he made it his humble ſuit for time, to give his further An- ſwer; adding withall, that the chief Complaint againſt him was, con- F cerning the two Patents of Gold and Silver Thred, Inns and Oſteries. He ſaid, That if he deſerved well of his Majeſty, it was in that matter; That the King and Subjects were more abuſed by that Patent, than by any other; and that he ſuffered at that day for oppoſing that Patent, as he took it.

The

An. 1621. The King being informed of this paſſage in his Speech, came in perſon to the Houſe of Peers, took notice thereof, ſaying, It ſeemed ſtrange unto him, that Sir *Henry Yelverton* ſhould be queſtioned here upon any thing, ſave the Patent of Gold and Silver Thred; for his Majeſty did not conceive, that any matter was complained of againſt him touching the Inns and Oſteries, whereof he was alſo examined: touching which Patent, *Mompeſſon* had made a complaint to his Majeſty, that *Yelverton* refuſed to ſend any Proceſs of *Quo Warranto* againſt a multitude of Innkeepers; and his Majeſty accepted *Yelverton*'s modeſt anſwer, That he miſliked thoſe proceedings againſt his Subjects. His Majeſty, to clear himſelf, did lay open the many former juſt miſlikes which he had againſt Sir *Henry*, and his gentle proceedings againſt him for the ſame. And when His Majeſty intended to queſtion him, *Buckingham* Lord Admiral beſought him not to think of any private wrongs done to his Lordſhip; His Majeſty added, That in the examination of the buſineſs touching the Charter of *London*, *Yelverton* had firſt juſtified himſelf by his Majeſty's Warrant; and that by that Warrant, he might have given away all *London* from him; yet at length he made a good Submiſſion in the beginning, but in the end he ſaid, he had not wronged his Majeſty in his Prerogative. And ſith that now *Yelverton* doth tax his Majeſty, that he ſuffered for his good ſervice done, his Majeſty requires the Lords, who are able to do him juſtice, to puniſh *Yelverton* for his ſlander.

Sir *Henry Yelverton* coming ſhortly after before the Lords, gave his particular Anſwer to each particular Charge, *in ſerie temporis*, and ſpake moreover as followeth.

"I Cannot but preſent my ſelf this day before your Highneſs, and my "Lords with much fear, with more grief; for I am compaſſed with ſo "many terrors from his Majeſty, as I might well hide my head with "*Adam*. His Lordſhip's diſpleaſure (meaning *Buckingham*) wounds me "more, than the conſcience of any theſe facts; yet had I rather die, "than the Common-wealth ſhould ſo much as receive a ſcratch from me. "I that in none of my actions feared that great man, on whom they (*viz.* "Sir *Edward Villers* and Sir *Giles Mompeſſon*) did depend, much leſs "would I fear them, who were but his ſhaddow. But, my moſt noble "Lords, knowing that my Lord of *Buckingham* was ever at his Majeſty's "hand, ready upon every occaſion to hew me down, out of the honeſt "fear of a Servant, not to offend ſo gracious a Maſter, as his Majeſty hath "ever been to me, I did commit them (*viz.* the Silk-men.)

And ſpeaking concerning the Patent of Inns, he ſaid, "I cannot here-"in but bemoan my unhappineſs, that in the laſt cauſe, labouring by all "lawful means to advance the honeſt profit of his Majeſty: and in this "(with the ſight almoſt of my own ruine) to preſerve his Majeſty's ho-"nour, and the quiet of the People, I am yet drawn in queſtion, as if I "had equally diſhonoured his Majeſty in both.

"When Sir *Giles* ſaw I would not be wooed to offend his Majeſty in his "direction, I received a Meſſage by Mr. *Emmerſon*, ſent me from Sir "*Giles*, that I would run my ſelf upon the Rocks, and that I ſhould not "hold my place long, if I did thus withſtand the Patent of Inns, or to "this effect. Soon after came Sir *Giles* himſelf, and like an Herauld at "Arms, told me to this effect, He had a meſſage to tell me from the "Lord of *Buckingham*, that I ſhould not hold my place a Month, if I did "not conform my ſelf in better meaſure to the Patent of Inns; for "my

" my Lord, had obtained it by his favour, and would maintain it by his " power: How could I but ſtartle at this meſſage? for I ſaw, here was a " great aſſuming of power to himſelf, to place and diſplace an Officer. I " ſaw my ſelf caſt upon two main Rocks, either treacherouſly to forſake " the ſtanding his Majeſty had ſet me in, or elſe to endanger my ſelf by " a by-blow, and ſo hazard my Fortune.

A " I humbly beſeech your Lordſhips: Nature will ſtruggle when ſhe " ſees her place and means of living thus aſſaulted; for now it was come " to this, Whether I would obey his Majeſty, or my Lord, if Sir *Giles* " ſpake true. Yet I reſolved in this, to be as ſtubborn as *Mordecai*, not " to ſtoop or paſs thoſe gracious bounds his Majeſty had preſcribed " me.

" Soon after, I found the meſſage in part made good; for all the Pro-" fits almoſt of my Place were diverted from me, and turned into an un-" uſual Channel, to one of my Lord's Worthies, that I retained little
B " more than the name of Attorney. It became ſo fatal and ſo penal, that " it became almoſt the loſs of a Suit to come to me. My place was but " the ſeat of Winds and Tempeſts.

" Howbeit, I dare ſay, if my Lord of *Buckingham* had but read the " Articles exhibited in this place againſt *Hugh Spencer*, and had known " the danger of placing and diſplacing Officers about a King, he would " not have purſued me with ſuch bitterneſs. But by oppoſing my Lord " in this Patent of Inns, in the Patent of Ale-houſes, in the Iriſh Cu-
C " ſtoms, and in Sir *Robert Nanton's* Deputation of his place in the Court " of Wards: Theſe have been my overthrow, and for theſe I ſuffer at this " day in my Eſtate and Fortune (not meaning to ſay, I take it, but as I " know, and for my humble oppoſitions to his Lordſhip) above Twenty " thouſand pounds.

The King hearing of this Speech, commanded the Lord Treaſurer to acquaint the Houſe of Lords, that he underſtood that *Yelverton*, being
D called before them the other day as a Delinquent, anſwered not as a Delinquent, but as a Judge, or Accuſer of a Member of that Houſe, the Lord of *Buckingham*; ſaying, He ſuffered for the Patent of Inns, or to that effect: That he was ſo far from excuſing or extenuating of his Offence the laſt day here, that he hath aggravated the ſame. Wherefore his Majeſty's pleaſure is, That himſelf will be Judge of what concerns his Majeſty; for that which concerns the Lord of *Buckingham*, his Lordſhip hath beſought his Majeſty, that that might be left to the Houſe; and ſo
E his Majeſty leaves that wholly to their Lordſhips.

The Lords made an humble Return to his Majeſty, That foraſmuch as he was once pleaſed to make their Houſe Judge of thoſe words formerly ſpoken by Sir *Henry Yelverton*, which touch'd his Majeſty's Honour, that his Majeſty will be pleaſed not to reſume the ſame out of their hands, but ſo far to tender the priviledges of their Houſe, as to continue his firſt reſolution: Which afterwards the King condeſcended unto.

The Lords firſt examining *Emerſon*, (who varied in the matter he
F was examined about) proceeded to ſentence Sir *Henry Yelverton*, not upon the Charge exhibited againſt him by the Commons, but for the words ſpoken by the by; and declared, That the ſaid Sir *Henry Yelverton* for his Speeches uttered here in the Court, which do touch the King's Majeſty, his Honour, ſhall be fined to the King in Ten thouſand marks, be impriſoned during the King's pleaſure, and make a Submiſſion unto his Majeſty. And

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for the ſcandal committed in theſe words of his againſt the Lord Marquis of *Buckingham*, That he ſhould pay him Five thouſand marks, and make his ſubmiſſion.

As ſoon as the Judgment was pronounced againſt him, the Lord Marquis of *Buckingham* ſtood up, and did freely remit him the ſaid Five thouſand marks; for which Sir *Henry* humbly thanked his Lordſhip: and the Houſe of Peers agreed to move his Majeſty, to mitigate Sir *Henry Yelverton*'s Fine, and the Prince his Highneſs offered to move his Majeſty therein; which accordingly was done, and Sir *Henry* was ſet at liberty, the Duke reconciled to him; he afterwards preferred to be a Judge, and was eſteemed a man *Valde eruditus in Lege.* A

Gondomar reviled and aſſaulted in *London* ſtreets.

But the Treaties with the Emperor and the King of *Spain* were much diſreliſhed; *Gondomar* had raiſed the Peoples fury, and was reviled and aſſaulted in *London* ſtreets: Whereupon the day following, the Privy Council commanded the Recorder of *London* to be careful in the ſtrict examination of an inſolent and barbarous affront, offered to the Spaniſh Ambaſſador and his People, for which the King would have exemplary Juſtice done. And foraſmuch as his Majeſty was informed, that there was a Fellow already apprehended, though not for caſting of ſtones, or threatning the Ambaſſador's perſon, as ſome are ſaid to have done; yet for uſing railing ſpeeches againſt him, calling him *Devil*, or words to that purpoſe, it was his Majeſties pleaſure, that that Fellow without any further delay, on the morrow in the forenoon, be publickly and ſharply whipt thorough *London*, beginning at *Algate*, and ſo through the ſtreets along by the place where the affront was offered towards *Fleetſtreet*, and ſo to *Temple-Bar*, without any manner of favour. B C

The People were enraged at *Gondomar*, through a perſwaſion, that he abuſed the King and State to advance the deſigns of *Spain*.

Sir *Rob. Manſel* ſent into the *Mediterranean* Sea.

By means of his power with the King, he had tranſported Ordnance, and other Warlike Proviſions, to furniſh the Spaniſh Arſenals; and it was believed, that he underhand wrought the ſending of Sir *Robert Manſel* into the *Mediterranean* Sea, to fall upon the Pirats of *Algier*. The Merchants of this Kingdom, by them much infeſted, being alſo induced to move for this Expedition, wherein the Engliſh Fleet performed gallantly, and advancing within the reach of Canon and Small-ſhot, which from the Land ſhowred like Hail upon them, fired the Pirats Ships within their own Harbour. Nevertheleſs hereby our Strength was diverted, our Treaſure exhauſted, and the Spaniſh Fleet and Merchants ſecured from thoſe Robbers, and *Spain* left at liberty to aſſiſt in ſubduing the *Palatinate*. D

In the mean while, our Kings affairs in *Germany*, notwithſtanding the many complaints, grew more and more deſperate. E

The Emperor calls in queſtion the Authors of the Commotions in *Bohemia*.

In *Bohemia*, the Emperor having well-nigh ſubdued and ſetled the Countrey, proceeded to the Trial and Execution of the Authors of the late Commotions; ſome were condemned to perpetual impriſonment, and others to death; and the Heads of many eminent perſons were fix'd on the Towers in *Prague*, and their Bodies quartered. After this, the Emperor began, both in *Auſtria* and *Hungaria*, to impriſon divers that aſſiſted the *Bohemians*, and cauſed Proceſs to be made againſt them. The Marquis of *Jagerndorfe*, who ſtirred in the County of *Glatsburgh*, and raiſed forces by Commiſſion from the Elector *Palatine*, publiſhed Letters againſt the Executions in *Bohemia*, as cruel and barbarous. F

The Emperor put forth an Anſwer, and ſaid, That the Marquis publiſhed thoſe things maliciouſly, foraſmuch as in *Bohemia*, was the Original

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nal Sedition, and the head that infected the members: That ſome few Perſons, Authors of the troubles, not in hatred of their Religion, but for their Rebellion, have been puniſhed by the hand of Juſtice. And he declared further, That the like exemplary Juſtice ſhould not be done in other places, but that the Articles of the Peace ſhould be obſerved.

By this time the Parliament having ſate about four Months, King *James* was deſirous to give them a time of vacancy. The Lord Treaſurer, by the Kings command, declared unto the Houſes, That his Majeſty, by the advice of his Privy Council, thought fit to adjourn the Parliament, leſt the Seaſon of the Year, by the continual concourſe of People, ſhould cauſe infection. Alſo, that the Lieutenants and Juſtices might be in the Country; and the Adjournment keeping the Parliament ſtill in being, was better than Proroguing. That his Majeſty had already redreſſed corruption in Courts of Juſtice, and by his Proclamation called in the Patents of Inns, of Oſteries, and of Gold and Silver Thred, and cheriſhed the Bill againſt Informers and Monopolies. The King intends to adjourn the Parliament.

The Commons were troubled at this Meſſage, and deſired a Conference with the Lords, and moved them to Petition the King to forbear the Adjournment. The King takes notice of it; and the Treaſurer acquainted the Lords, that a Petition of this nature could not be pleaſing to his Majeſty, it ſeeming to derogate from his Prerogative, who alone hath power to Call, Adjourn, and Determine Parliaments. The Commons at a further Conference, declared their hearty ſorrow and paſſionate grief at the King's reſolution, which, they ſaid, cut off the performance of what they had conſulted, and promiſed for the publick Weal. The Commons take it not well.

The Lords ſitting in their Robes, the King came and made a Speech, takes notice of his Meſſage to both Houſes, and gave their Lordſhips thanks for obeying the ſame, and acknowledging his power to Call, Adjourn, and Diſſolve Parliaments, and for refuſing to joyn with the Commons in the Petition for Non-adjournment. And whereas ſome had given out, that no good had been done this Parliament, he put them in mind, that the two Patents, grievous to the Common-wealth, were called in, and that the Parliament had cenſured the offenders for an example to all Ages. And, if they deſired it, he offered them eight or ten days longer ſitting, to expedite Bills; but ſaid, that at the requeſt of the Commons he would not grant it. The Lords had a Conference with the Commons; after which, they moved the King to continue their ſitting for fourteen days; which was granted, and the Commons were ſatisfied with the reſolution of Adjournment.

A Committee of both Houſes afterwards attending the King, he told them how ill he took it, that the Commons ſhould diſpute his reaſons of Adjournment; all power being in him alone to Call, Adjourn, Prorogue, and Diſſolve Parliaments. And on *June* 4. he declared for an Adjournment till *November* following; and that he will in the mean time, of his own Authority, redreſs Grievances. And his Majeſty, as General Biſhop of the Land, did offer his prayers to God for both the Houſes; and admoniſhed them, That when they go into the Countrey, they give his people a good account and ſatisfaction, both as to the Proceedings, and to the Adjournment of the Parliament. The King reſents it.

The Houſe of Commons, immediately before their receſs, taking to Heart the miſeries of the *Palatinate*, reſolved, that the drawing back in ſo good a Cauſe, ſhould not be charged on their ſlackneſs; and thereupon drew up this following Declaration, with an *univerſal conſent*.

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The Commons Declaration touching the *Palatinate.*

THe Commons assembled in Parliament taking into most serious consideration the present state of the King's Children abroad, and the generally afflicted estate of the true Professors of the same Christian Religion, professed by the Church of England, in Forreign parts; and being touched with a true sense and fellow-feeling of their distresses, as Members of the same Body, do, with unanimous consent, in the name of themselves, and the whole Body of the Kingdom (whom they represent) declare unto His most excellent Majesty, and to the whole World, their hearty grief and sorrow for the same; and do not only joyn with them in their humble and devout prayers unto Almighty God, to protect his true Church, and to avert the dangers now threatned, but also with one heart and voice do solemnly protest, That if His Majesties pious endeavours by Treaty, to procure their peace and safety, shall not take that good effect which is desired in Treaty; (wherefore they humbly beseech His Majesty not to suffer any longer delay) That then upon signification of His Majesties pleasure in Parliament, they shall be ready, to the utmost of their powers, both with their Lives and Fortunes, to assist him so, as by the Divine help of Almighty God, (which is never wanting unto those, who, in his fear, shall undertake the defence of his own Cause) he may be able to do that with his Sword, which by a peaceable course shall not be effected.

The King, by Proclamation, reforms the late grievances handled in Parliament.

After the recess of Parliament, the King, by Proclamation, declared his Grace to his Subjects in matters of publick Grievance: And taking notice, that many great affairs, debated in Parliament, could not be brought to perfection in so short a time, and that the Commons thought it convenient to continue the same Session in course of Adjournment; and withall observing, that divers of those particulars required a speedy determination and settlement for his Peoples good, and that they are of that condition and quality, as that he needeth not the assistance of Parliament to reform the same, and would have reformed them before the Parliament, if the true state of his Subjects Grievances had been made known unto him; He hath determined, and doth declare an immediate redress therein, by his own Regal Authority, as in the business of Informers, of Miscarriages of Ministers in *Chancery*, of the Patents for Gold and Silver-Thred, for Licensing Pedlars and Petty-Chapmen, for the sole Dressing of Arms, for the Exportation of Lists and Shreds, and for the sole making of Tobacco-pipes, Cards, and the like. And besides the redress of these Grievances, he will enlarge his Grace unto other kinds for the Subjects ease: And that both his own, and the ears of his Privy-Council shall be open to his Peoples modest and just complaints.

Puts forth another Proclamation against talking of State-affairs.

Moreover, a second Proclamation was issued forth against excess of licentious speech touching State-affairs: For, notwithstanding the strictness of the Kings former Command, the Peoples inordinate liberty of unreverend speech increased daily. Wherefore the King threatned severity, as well against the Concealers of such Discourses, as against the boldness of audacious Tongues and Pens.

The King is solicited from *Spain* to enlarge his favours towards Catholicks.

On the Tenth of *July*, *John Williams*, Doctor of Divinity, and Dean of *Westminster*, was sworn Keeper of the Great Seal of *England*.

The King was plied from *Spain* and *Rome*, to enlarge his favours to Popish Recusants: For, reports were then brought to *Rome*, That the Catholicks of *England*, *Scotland*, and *Ireland* were cruelly used. And besides

ſides this, there went a rumor, that King *James* in a Speech in Parliament had declared, That notwithſtanding the Marriage with *Spain*, the *Engliſh* Catholicks ſhould not be one jot in better condition. But the King ſaid no more than this, "That if any of that party did grow inſolent, let his "People count him unworthy to reign, if he gave not extraordinary puniſh- "ment. Thus was the King intangled in the ways which he had choſen: For it was not poſſible for him at once to pleaſe his People, and to ſatisfie A his Foreign Intereſts.

About the ſame time the Lord *Digby*, who was ſent Ambaſſador to the Emperor, had Audience at *Vienna*. The principal Heads of his Embaſſie were theſe, *That the Elector* Palatine, *and the Children of the King of* Great Britain *his Maſter, might be received into the Emperor's favour, and reſtored to all their Hereditary Goods, and the Prince Elector himſelf to the Title which he enjoyed before the troubles of* Bohemia: *That the Ban Imperial publiſhed againſt him, ſhould be revoked, and the execution thereof ſuſpended; which* B *being done, the King of* Great Britain *will undertake, that the* Palatine *ſhall render due obedience to his Imperial Majeſty, and ſubmit to Conditions meet and honeſt.*

The chief Heads of the Lord *Digby's* Embaſſie to the Emperor.

To theſe Demands he received Anſwer, "That the Emperor had a "very good will to gratifie the King of *Great Britain*, and thoſe other "Kings and Princes that had made the ſame requeſt for the *Palatine*: but "he could not grant it, becauſe the *Palatine* to this hour uſeth the "Counſels of many of the Electors and Princes, in oppoſition to the Em- C "peror: And when the Emperor had agreed to a Ceſſation of Arms, ac- "cording to the deſires of the King of *Great Britain*, and had ordered the "ſuſpending all Hoſtility in the *Lower Palatinate*, at the ſame time the *Pa-* "*latine* gave Commiſſion to raiſe Forces, and do acts of Hoſtility, which "was put in execution by Count *Mansfeld* and Marquiſs *Jagerndorf*, to "begin new troubles in *Bohemia*, *Sileſia*, and *Moravia*. Nevertheleſs the "Emperor, having appointed an Aſſembly to meet at *Ratisbone*, will there "make known the deſires of the King of *Great Britain*, who ſhall know D "what Reſolution is there taken concerning the *Palatine*.

The Emperor's Reply to thoſe Demands.

Albert Archduke of *Flanders*, at the requeſt of King *James*, had made interceſſion for the *Palſgrave*. After his deceaſe, the Archdutcheſs his Wife continued the ſame mediation by Letters to the Emperor. And withall, the Kings Ambaſſador further propoſed theſe Conditions for a Ceſſation of Arms, and a Suſpenſion of the Ban Imperial; That *Mansfeld* and *Jagerndorf* ſhall obſerve the Agreement; otherwiſe, the Prince *Palatine* ſhall revoke their Commiſſions, and declare them his Enemies; E And that their Garriſons in *Bohemia* ſhall be rendred to the Emperor.

The Lord *Digby's* ſecond Propoſal to the Emperor.

The Emperor anſwered the Archdutcheſs, That the Archduke her Huſband, in his life-time, had exceedingly recommended the Interpoſition of the King of *Great Britain*, and the great prudence of that King in not approving the Actions of the *Palatine*: Which Recommendation, as to a Treaty and Ceſſation of Arms, he ſhall entertain, and conſult thereupon with the Deputies of the Electors and Princes of the Empire.

The Emperor's Anſwer.

The *Engliſh* Ambaſſador departed from *Vienna* to the Duke of *Bavaria*, who had then entred the *Upper Palatinate*, and had publiſhed the Em- F peror's Declaration againſt *Mansfeld* and his Adherents, and exhorted the States and Princes there to execute the ſame; and the rather, for that he had not heard of any King, Elector, Prince, or State; no, not ſo much as the King of *Great Britain*, that had approved the ſeditious Revolt of the *Bohemians*, except ſome few States and Princes, who for intereſt

The *Engliſh* Ambaſſador goes to the Duke of *Bavaria*.

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intereſt did countenance the ſame. The Ambaſſador found the *Bavarian* acting hoſtility, and committing great ſpoils in the Countrey, and reſolving to reject all propoſitions of Peace or Ceſſation. Nor could the Emperor agree upon any Truce without the Duke of *Bavaria*: Firſt, in reſpect of his agreement, neither to make War or Peace, without the conſent of the ſaid Duke; which hapned, becauſe upon the former Truce made with the Archduke, the Souldiers that were in the *Lower Palatinate*, and wanted employment, came up into the *Higher Palatinate* to Count *Mansfeld*, and much infeſted the Duke of *Bavaria*. Secondly, In regard the Duke of *Bavaria* had a great part of *Auſtria* in pledge for his ſatisfaction. Thirdly, Becauſe the Emperor was barred from all other paſſages, but through *Bavaria*, by *Bethlem Gabor*, *Jagerndorf*, and *Budiani*. And the Duke, upon receipt of the Emperors Letter touching the Truce, ſent the Lord *Digby* a deriding anſwer, *That there was no need to labour for a Truce, for the Wars were at an end, in that he had agreed with Count* Mansfeld; *nor did he doubt of keeping both* Palatinates *in peace, till the Emperor and* Palſgrave *were agreed.* So the King received but a ſlender return of the Lord *Digby*'s Embaſſie to the Emperor, for the reſtoring the Elector *Palatine*. But the Emperors full meaning in this buſineſs may be found at large in his own Letter to *Don Baltazar de Zuniga*, a prime Counſeller of State in *Spain*, to be by him repreſented to the King his Maſter, to this effect.

A B

The Emperor's Letter to *Don Baltazar de Zuniga.*

THat beholding the admirable Providence of God over him, he is bound to uſe that moſt notable Victory to the honour of God, and the extirpation of all Seditions and Factions, which are nouriſhed chiefly among the Calviniſts; *leſt that judgment which the Prophet threatned the King of* Iſrael *ſhould fall upon him,* Becauſe thou haſt diſmiſſed a man worthy of death, thy Soul ſhall be for his Soul. *The* Palatine *keeps now in* Holland, *not onely exiled from the Kingdom which he raſhly attempted, but deſpoiled almoſt of all his own Territories, expecting, as it were, the laſt caſt of Fortune: whom if by an impious kind of commiſeration, and his ſubtle Petitioning, he ſhall be perſwaded to reſtore, and nouriſh in his boſom as a troden half-living Snake, what can he expect leſs than a deadly ſting from him, who, in regard of his guilt, can never be faithful, but will alway gape for occaſions to free himſelf from his fears, and the genius of whoſe Sect will make him an Enemy, or an unſound Friend, to the Houſe of* Auſtria, *and all other Catholick Princes?*

C D

Wherefore firmly caſting in his mind, that the Palatine *cannot be reſtored, he hath freely offered the* Electorate *to the Duke of* Bavaria, *a moſt eager Defender of the Catholick Cauſe; by which means the Empire will alwayes remain in the hand of Catholicks, and ſo by conſequence in the Houſe of* Auſtria. *And in ſo doing, he ſhall take away all hope from the* Palatine, *and thoſe that ſolicite ſo importunately for his reſtitution. And it is to be hoped, that the* Lutheran *Princes, eſpecially the Duke of* Saxony, *will not ſo far diſallow this Tranſlation, as to take up Arms, ſeeing* Charles *the Fifth, upon a far lighter cauſe, deprived* John Frederick *Duke of* Saxony *of the* Electorate, *and conferred it on* Maurice, *this Dukes Great Uncle. Beſides, no leſs is the* Lutherans *hatred of the* Calviniſts, *than of the* Catholicks.

E F

Such were the effects which the King's treating had wrought with the Emperor.

The Parliament that was to meet *November* the Fourteenth, the King, by Proclamation, adjourned to the Eighth of *February*, and expreſſed the cauſe to be the unſeaſonableneſs of the time of the Year. But this long

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long *Receſs* was ſhortned, and the King declared, That upon important Reaſons he had altered his former Reſolutions, and did adjourn it for no longer time, than from the Fourteenth to the Twentieth of this inſtant *November.*

The Parliament begins again, *Nov.* 20.

Upon which day it re-aſſembled, and the King being abſent, by reaſon of his indiſpoſition in health, commanded a Meſſage to be delivered to both Houſes, by the Lord Keeper, the Lord *Digby*, and the Lord Treaſurer.

The ſubſtance of the Lord Keeper's Speech.

In the firſt place he acquainted the Two Houſes with his Majeſtie's indiſpoſition of health, which was the occaſion of his abſence at the opening of the Parliament; yet he could not ſay he was abſent, ſo long as he was repreſented by a Son, who was as dear to the Kingdom as to his Majeſty. As to the occaſion of calling the Parliament by way of *Antecedent*, he took notice of ſeveral effects of his Majeſties gracious care over the Nation, ſince the laſt *Receſs* of the Parliament, in his Majeſties anſwering ſeveral Petitions concerning Trade, Importation of Bullion, Conſervation of Coyn in the Land, and prohibiting the Tranſportation of Iron Ordnance; and that His Majeſty by his Proclamation reformed Thirty ſix or Thirty ſeven ſeveral matters, complained of as publick Grievances, all of them without the leaſt Trucking or Merchandiſing with the People, a thing uſual in former times. He further ſaid, That his Majeſty did principally fix the occaſion of the calling a Parliament upon the Declaration recorded, and divulged far and near by the Repreſentative Commonalty of this Kingdom to aſſiſt his Majeſty to carry on the War to recover the *Palatinate*; yet withall, his Lordſhip gave an account, how his Majeſty, ſince the laſt Parliament, encouraged to travel a little longer in his pious endeavours to procure a Peace by way of Treaty, and that the Lord *Digby* was ſent Ambaſſador upon that occaſion, and ſince returned, but not with ſuch ſucceſs as was to be hoped for. He minded both Houſes of one Heroical Act of his Majeſties, ſince the laſt Parliament, in the advancement of Forty thouſand pounds, to keep together a Body of an Army in the *Lower Palatinate*, which otherwiſe had been diſſolved before this Parliament could be aſſembled: And that unleſs the Parliament take further reſolution, and imitate rather ancient than Modern principles, and be expeditious in what they do, the Army in the *Palatinate* will fall to the ground. And laſtly, told them, That his Majeſty did reſolve, that this Parliament ſhould continue till ſeven or eight days before the Feſtivals, and to be renewed again the eighth of *February*, to continue for the Enacting of Laws, and perioding things of Reformation, as long as the neceſſity of the State ſhall require the ſame.

Lord *Digby's* Speech.

After the *Lord Keeper* had done, the Lord *Digby* (having received a command from his Majeſty to that purpoſe) gave a brief account of his Negotiation with the Archduke about the Treaty of Peace; how the Archduke conſented thereunto, and writ accordingly to the Emperor and the King of *Spain* of his Proceedings; who alſo writ to *Spinola* for a Ceſſation of Arms, the Archduke having the command of the Spaniſh Forces in *Germany*; but the Duke of *Bavaria* would not conſent thereunto. And the Lord *Digby* informed the Two Houſes, that by the carriage of the Duke of *Bavaria*, and by other circumſtances, he did evidently diſcover, That from the beginning that Duke affected to get unto himſelf the *Palatinate*, and the Title of Elector. He further declared, That if Count

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Count *Mansfeld* was not ſpeedily ſupplied, he could not keep his Army together. Then he gave an account how bravely Sir *Horatio Vere* had behaved himſelf in the *Palatinate*, and that, by his wiſdom and valour, there was kept from the Enemy *Heidelburg*, *Mainheim*, and *Frankendale*; the laſt of which places had then endured a months Seige. He alſo ſpoke honourably of Captain *Burroughs*, and concluded, That the fitteſt redreſs was, to furniſh and keep up the Army already there; which muſt be done by ſupplies of Money, and more Forces muſt be prepared againſt the next Spring, that we may have there an Army of our own, for the ſtrengthening of the *Palatinate*, and encouragement of the Princes of the Union. A

Lord Treaſurer's Speech.

Then the *Lord Treaſurer* ſpake, and acquainted both Houſes; How empty the Kings Coffers were, and how he had aſſiſted the *Palatine*, and Princes of the Union, with great ſums, which had exhauſted his Treaſure, and that his Majeſty was much in debt.

Nevertheleſs, though the King declared for War, he purſued Peace, and reſolved to cloſe with *Spain*, hoping to heal the Breach by that Alliance. The Houſe of Commons, before they granted Subſidies, reſolved to try the King's Spirit by this *Petition* and *Remonſtrance*, which laid open the diſtempers of thoſe times, with their Cauſes and Cures. B

Moſt Gracious and Dread Sovereign,

The Commons Petition and Remonſtrance to the King.

WE Your Majeſties moſt Humble and Loyal Subjects, the Knights, Citizens, and Burgeſſes, now aſſembled in Parliament, who repreſent the Commons of Your Realm, full of hearty ſorrow, to be deprived of the comfort of your Royal Preſence, the rather, for that it proceeds from the want of Your health, wherein we all unfeignedly do ſuffer; In all humble manner calling to mind Your Gracious Anſwer to our former Petition concerning Religion, which, notwithſtanding Your Majeſties Pious & Princely Intentions, hath not produced that good effect, which the danger of theſe times doth ſeem to us to require: And finding how ill Your Majeſties goodneſs hath been requited by Princes of different Religion, who even in time of Treaty, have taken opportunity to advance their own ends, tending to the ſubverſion of Religion, and diſadvantage of Your affairs, and the eſtate of Your Children: By reaſon whereof, Your ill affected Subjects at home, the Popiſh Recuſants have taken too much encouragement, and are dangerouſly encreaſed in their number, and in their inſolencies. We cannot but be ſenſible thereof, and therefore humbly repreſent what we conceive to be the cauſes of ſo great and growing miſchiefs, and what be the Remedies. C D E

I. The Vigilancy and Ambition of the Pope of Rome, and his deareſt Son, the one aiming at as large a Temporal Monarchy, as the other at a Spiritual Supremacy.

II. The Deviliſh Poſitions and Doctrines, whereon Popery is built, and taught with Authority to their Followers, for advancement of their Temporal ends. F

III. The diſtreſſed and miſerable eſtate of the Profeſſors of true Religion in Foreign parts.

IV. The diſaſtrous accidents to Your Majeſties Children abroad, expreſſed with rejoycing, and even with contempt of their Perſons.

V. The

V. The ſtrange Confederacy of the Princes of the Popiſh Religion, aiming mainly at the advancement of theirs, and ſubverting of ours, and taking the advantages conducing to that end upon all occaſions.

VI. The great and many Armies raiſed, and maintained at the charge of the King of Spain, the Chief of that League.

A VII. The expectation of the Popiſh Recuſants of the Match with Spain, and feeding themſelves with great hopes of the conſequences thereof.

VIII. The interpoſing of Foreign Princes and their Agents, in the behalf of Popiſh Recuſants, for connivance and favour unto them.

IX. Their open and uſual reſort to the Houſes, and, which is worſe, to the Chappels of Foreign Ambaſſadors.

X. Their more than uſual concourſe to the City, and their frequent B Conventicles and conferences there.

XI. The education of their Children in many ſeveral Seminaries and Houſes of their Religion in Foreign parts, appropriated to the Engliſh Fugitives.

XII. The Grants of their juſt Forfeitures intended by your Majeſty, as a Reward of Service to the Grantees; but beyond your Majeſty's intention, transferred or compounded for, at ſuch mean rates, as will amount to little leſs than a Toleration.

C XIII. The Licentious Printing and diſperſing of Popiſh and Seditious Books, even in the time of Parliament.

XIV. The ſwarms of Prieſts and Jeſuites, the common Incendiaries of all Chriſtendom, diſperſed in all parts of your Kingdom.

And from theſe Cauſes, as bitter Roots, we humbly offer to your Majeſty, That we foreſee and fear there will neceſſarily follow very dangerous effects both to Church and State. For,

D I. The Popiſh Religion is incompatible with ours, in reſpect of their Poſitions.

II. It draweth with it an unavoidable dependency on Foreign Princes.

III. It openeth too wide a gap for Popularity, to any who ſhall draw too great a party.

IV. It hath a reſtleſs ſpirit, and will ſtrive by theſe gradations; if it once get but a Connivancy, it will preſs for a Toleration; if that E ſhould be obtained, they muſt have an Equality; from thence they will aſpire to Superiority, and will never reſt till they get a Subverſion of the true Religion.

The Remedies againſt theſe growing Evils, which in all humility, we offer unto your moſt Excellent Majeſty, are theſe.

I. That ſeeing this inevitable neceſſity is fallen upon your Majeſty, which no wiſdom or providence of a peaceable and pious King can avoid, your Majeſty would not omit this juſt occaſion, ſpeedily and F effectually to take your Sword into your hand.

II. That once undertaken upon ſo honourable and juſt grounds, your Majeſty would reſolve to purſue, and more publickly avow the aiding of thoſe of our Religion in Foreign parts, which doubtleſs would reunite the Princes and States of the Union, by theſe diſaſters diſheartned and diſbanded.

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III. That your Majesty would propose to your self to manage this War with the best advantage, by a diversion or otherwise, as in your deep judgment shall be found fittest, and not to rest upon a War in these pats onely, which will consume your Treasure, and discourage your People.

IV. That the bent of this War, and point of your Sword, may be against that Prince (whatsoever opinion of Potency he hath) whose Armies and Treasures have first diverted, and since maintained the War in the Palatinate. A

V. That for securing of our Peace at home, your Majesty would be pleased to review the parts of our Petition, formerly delivered unto your Majesty, and hereunto annexed, and to put in execution, by the care of choice Commissioners to be thereunto especially appointed, the Laws already, and hereafter to be made for preventing of dangers by Popish Recusants, and their wonted evasions. B

VI. That to frustrate their hopes for a future Age, our most Noble Prince may be timely and happily married to one of our own Religion.

VII. That the Children of the Nobility and Gentry of this Kingdom, and of others ill-affected and suspected in their Religion, now beyond the Seas, may be forthwith called home by your means, and at the charge of their Parents or Governours.

VIII. That the Children of Popish Recusants, or such whose Wives are Popish Recusants, be brought up, during their Minority, with Protestant School-masters and Teachers, who may sow in their tender years, the seeds of true Religion. C

IX. That your Majesty will be pleased speedily to revoke all former Licences for such Children and Youth to travail beyond the Seas, & not grant any such Licence hereafter.

X. That your Majesty's Learned Council may receive commandment from your Highness, carefully to look into former Grants of Recusants Lands, and to avoid them, if by Law they can; and that your Majesty will stay your Hand from passing any such Grants hereafter. D

This is the sum and effect of our humble Declaration, which we (no ways intending to press upon your Majesty's undoubted and Regal Prerogative) do with the fulness of our Duty and Obedience, humbly submit to your most Princely consideration: The glory of God, whose cause it is; the zeal of our true Religion, in which we have been born, and wherein (by God's grace) we are resolved to die; the safety of your Majesty's Person, who is the very life of your people; the happiness of your Children and Posterity; the honour and good of the Church & State, dearer unto us than our own lives, having kindled these affections truly devoted to your Majesty. E

And seeing out of our duty to your Majesty, we have already resolved to give, at the end of this Session, one entire Subsidy, for the present relief of the Palatinate onely, to be paid in the end of February next, which cannot well be effected but by passing a Bill in Parliamentary course before Christmas; we most humbly beseech your Majesty (as our assured hope is) that you will then also vouchsafe to give life, by your Royal Assent, to such Bills, as before that time shall be prepared for your Majesty's honour, and the general good of your people: And that such Bills may be also accompanied (as hath been accustomed F

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accuſtomed) with your Majeſties gracious Pardon (which proceeding from your own meer Grace, may, by your Highneſs direction, be drawn to that latitude and extent, as may beſt ſort with your Majeſties bounty and goodneſs. And that not onely Felons and Criminal Offenders may take benefit thereof, but that your good Subjects may receive eaſe thereby. And if it ſhall ſo ſtand with your good pleaſure, That it may extend to the relief of the old Debts and Duties to the Crown before the firſt year of your Majeſties Reign, to the diſcharge of Alienations without Licence, and miſ-uſing of Liveries, and Ouſtre le main, before the firſt Summons of this Parliament, and of concealed Wardſhips, and not ſuing of Liveries, and Ouſtre le Maines, before the Twelfth year of your Majeſties Reign. Which gracious Favour would much comfort your good Subjects, and eaſe them from vexation, with little loſs or prejudice to your own profit.

And we, by our daily & devout Prayers to the Almighty, the Great King of Kings, ſhall contend for a bleſſing upon our endeavours; and for your Majeſties long and happy Reign over us; and for your Childrens Children after you, for many and many Generations.

The Houſe had ſufficient cauſe to ſet forth the danger of true Religion, and the miſeries of the Profeſſors thereof in Forreign parts; when beſides the great wound made in *Germany*, and the cruelties of the prevailing Houſe of *Auſtria*, the Proteſtants in *France* were almoſt ruined by *Lewis* the Thirteenth, being beſieged at once in ſeveral places, as in *Montauban*, by the King, and in *Rochel* by Count *Soyſons*, and the Duke of *Guiſe*: And for their relief, the King of *England* prevailed nothing, by ſending of Sir *Edward Herbert*, ſince Baron of *Cherbury*, and after him the Viſcount *Doncaſter*, Ambaſſador for Mediation.

At this time the Proteſtants are ill treated in *France*.

The King having intelligence of the former *Remonſtrance*, wrote this Letter to the Speaker.

To Our Truſty and Well-beloved Sir *Thomas Richardſon* Knight, Speaker of the Houſe of COMMONS.

Mr. Speaker,

The King's Letter to Sir *Thomas Richardſon*.

WE have heard, by divers reports, to our great grief, that our diſtance from the Houſes of Parliament, cauſed by our indiſpoſition of health, hath emboldened ſome fiery and popular Spirits of ſome of the Houſe of Commons, to argue and debate publickly of the matters far above their reach and capacity, tending to our high diſhonour, and breach of Prerogative Royal. Theſe are therefore to command you, to make known, in our Name, unto the Houſe, That none therein ſhall preſume henceforth to meddle with any thing concerning our Government, or deep matters of State, and namely not to deal with our deareſt Sons Match with the Daughter of Spain, *nor to touch the honour of that King, or any other our friends and Confederates: and alſo not to meddle with any man's particulars, which have their due motion in our ordinary Courts of Juſtice. And whereas we hear, they have ſent a Meſſage to Sir* Edward Sandys, *to know the reaſons of his late reſtraint, you ſhall in our*

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Name reſolve them, that it was not for any miſdemeanor of his in Parliament, but to put them out of doubt of any queſtion of that nature that may ariſe among them hereafter, you ſhall reſolve them in our name, That we think our ſelf very free and able to puniſh any man's miſdemeanours in Parliament, as well during their ſitting, as after: Which we mean not to ſpare hereafter, upon any occaſion of any man's inſolent behaviour there that ſhall be miniſtred unto us: And if they have already touched any of theſe points, which we have forbidden, in any Petition of theirs, which is to be ſent unto us, it is our pleaſure that you ſhall tell them, That except they reform it before it come to our hands, we will not deign the hearing, nor anſwering of it.

Dated at New-Market, 3. Dec. 1621.

Hereupon they drew up another Petition, which they ſent accompanied with the former *Remonſtrance*.

Moſt Dread and Gracious Sovereign,

The *Commons* ſend the *Remonſtrance*, accompanied with another *Petition*.

WE your moſt humble and loyal Subjects, the Knights, Citizens and Burgeſſes, aſſembled in the Commons Houſe of Parliament, full of grief, and unſpeakable ſorrow, through the true ſence of your Majeſtie's diſpleaſure, expreſſed by your Letter lately ſent to our Speaker, and by him related and read unto us: Yet comforted again with the aſſurance of your grace and goodneſs, and of the ſincerity of our own intentions and proceedings, whereon with confidence we can rely, in all humbleneſs beſeech your moſt excellent Majeſty, that the loyalty and dutifulneſs of as faithful and loving Subjects as ever ſerved, or lived under a gracious Soveraign, may not undeſervedly ſuffer by the mis-information of partial and uncertain Reports, which are ever unfaithfull Intelligencers: But that your Majeſty would, in the clearneſs of your own Judgment, firſt vouchſafe to underſtand from our ſelves, and not from others, what our humble Declaration and Petition (reſolved upon by the univerſal voice of the Houſe, and propoſed with your gracious Favour to be preſented unto your Sacred Majeſty) doth contain. Upon what occaſion we entred into conſideration of thoſe things which are therein contained, with what dutiful reſpect to your Majeſty, and your ſervice, we did conſider thereof, and what was our true intention thereby. And that when your Majeſty ſhall thereby truly diſcern our dutiful affections, you will, in your Royal Judgment, free us from thoſe heavy charges, wherewith ſome of our Members are burthen'd, and wherein the whole Houſe is involved.

And we humbly beſeech your Majeſty, that you would not hereafter give credit to private Reports, againſt all or any of the Members of our Houſe, whom the whole have not cenſured, until your Majeſty have been truly informed thereof from our ſelves: And that in the mean time, and ever, we may ſtand upright in your Majeſties grace and good opinion, then which, no worldly conſideration is, or can be dearer unto us.

When your Majeſty had reaſſembled us in Parliament by your Royal Commandment, ſooner than we expected, and did vouchſafe, by the mouths of three honourable Lords, to impart unto us the weighty occaſions moving your Majeſty thereunto; and from them we did underſtand theſe particulars. That

That notwithstanding your Princely & Pious endeavours to procure peace, the time is now come, that Janus Temple must be opened.

That the voice of Bellona must be heard, and not the voice of the Turtle.

That there was no hope of peace, nor any truce to be obtained, no not for a few days.

That your Majesty must either abandon your own Children, or engage your self in a War, wherein consideration is to be had, what Foot, what Horse, what Money will be sufficient.

A That the lower Palatinate was seized upon by the Army of the King of Spain, as Executor of the Ban there in quality of Duke of Burgundy, as the Upper Palatinate was by the Duke of Bavaria.

That the King of Spain, at his own charge, had now at least Five Armies on Foot.

That the Princes of the Union were disbanded, but the Catholick B League remained firm, whereby those Princes so dissevered, were in danger, one by one, to be ruined.

That the estate of those of the Religion in Forreign parts was miserable; and, that out of these considerations we were called to a War, and forthwith to advise for a supply for keeping the Forces in the Palatinate from disbanding, and to foresee the means for raising and maintaining the Body of an Army, for the War, against the Spring. We therefore, out of our zeal to your Majesty and your Posterity, with C more alacrity & celerity than ever was presidented in Parliament, did addresse our selves to the service commended unto us. And although we cannot conceive, that the honour and safety of your Majesty and your Posterity, the Patrimony of your Children invaded, and possessed by their enemies, the welfare of Religion, and state of your Kingdom, are matters at any time unfit for our deepest consideration in time of Parliament: And although before this time we were in some of these points silent, yet being now invited thereunto, and led on by so just an D occasion, we thought it our duties to provide for the present supply thereof, & not onely to turn our eyes on a War abroad, but to take care for the securing of our peace at home, which the dangerous increase & insolency of Popish Recusants apparently, visibly, and sensibly did lead us unto. The consideration whereof did necessarily draw us truly to represent unto your Majesty, what we conceive to be the causes, what we feared would be the effects, and what we hoped might be the remedies of these growing evils; among which, as incident and unavoidable, we fell upon some things, which seem to touch upon the King of E Spain, as they have relation to Popish Recusants at home, to the Wars by him maintained in the Palatinate against your Majestie's Children, and to his several Armies now on foot; yet, as we conceived, without touch of dishonour to that King, or any other Prince your Majesties Confederate.

In the discourse whereof, we did not assume to our selves any power to determine of any part thereof, nor intend to incroach or intrude upon the Sacred Bounds of your Royal Authority, to whom, and to F whom onely, we acknowledge it doth belong to resolve of Peace and War, and of the Marriage of the most Noble Prince your Son: But as your most loyal and humble Subjects and Servants, representing the whole Commons of your Kingdom (who have a large interest in the happy and prosperous estate of your Majesty, and your

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Royal Posterity, and of the flourishing estate of our Church and Commonwealth) did resolve, out of our cares and fears, truly and plainly to demonstrate these things to your Majesty, which we were not assured could otherwise come so fully and clearly to your knowledge; and that being done, to lay the same down at your Majesties feet, without expectation of any other Answer of your Majesty, touching these higher points, than what at your good pleasure, and in your own time should be held fit.

This being the effect of that we had formerly resolved upon, & the the Occasions & Reasons inducing the same, our humble suit to your Majesty, and confidence is, That your Majesty will be graciously pleased to receive, at the hands of these our Messengers, our former humble Declaration and Petition, and vouchsafe to read, and favourably to interpret the same; and that to so much thereof as containeth our humble Petition concerning Jesuits, Priests, and Popish Recusants, the passage of Bills, and granting your Royal Pardon you will vouchsafe an Answer unto us.

And whereas your Majesty, by the general words of your Letter, seemeth to restrain us from intermedling with matters of Government, or Particulars which have their motion in the Courts of Justice, the generality of which words, in the largeness of the extent thereof, (as we hope beyond your Majesties intention) might involve those things, which are the proper subjects of Parliamentary occasions and discourse.

And whereas your Majesty doth seem to abridge us of the antient Liberty of Parliament for freedom of Speech, Jurisdiction, and Just Censure of the House, and other proceedings there (wherein, we trust in God, we shall never transgress the bounds of Loyal and Dutiful Subjects) a Liberty which we assure our selves, so Wise and so Just a King will not infringe, the same being our ancient and undoubted Right, and an Inheritance received from our Ancestors; without which, we cannot freely debate, nor clearly discern of things in question before us, nor truly inform your Majesty: In which we have been confirmed by your Majestie's most gracious former Speeches & Messages. We are therefore now again inforced in all humbleness to pray your Majesty to allow the same, and thereby to take away the Doubts and Scruples, your Majesties late Letter to our Speaker hath wrought upon us.

So shall we your loyal & loving Subjects ever acknowledge your Majesties Justice, Grace and Goodness, and be ready to perform that service to your Majesty, which in the true affection of our hearts we profess, and pour out our daily and devout Prayers to the Almighty for your Majesties long Life, happy and religious Reign, and prosperous Estate, and for your Royal Posterity after you for ever.

The King having rejected the first Petition, gave to the latter this Answer following.

The King's Answer to the latter Petition.

"WE must here begin in the same fashion that we would have done, if the first Petition had come to our hands before we had made a stay thereof, which is to repeat the first words of "the late Queen of famous memory, used by her, in an Answer to an in-

"solent

"ſolent propoſition made by a *Polonian* Ambaſſador unto her; that is,
"*Legatum expectabamus, Heraldum accipimus.* For we had great reaſon
"to expect, that the firſt Meſſage from your Houſe ſhould have been a
"Meſſage of Thankſgiving for our continued gracious behaviour to-
"wards our People, ſince your laſt Receſs, not onely by our Procla-
"mation of Grace, wherein were contained ſix or ſeven and thirty Arti-
"cles, all of ſeveral points of Grace to the people, but alſo by the labour
A "we took for the ſatisfaction of both Houſes, in thoſe three Articles re-
"commended unto us in both their names, by the Right Reverend Fa-
"ther in God, the Archbiſhop of *Canterbury*; and likewiſe for the good
"Government of *Ireland*, we are now in hand with, at your requeſt: But
"not onely have we heard no news of all this, but contrary, great com-
"plaints of the danger of Religion within this Kingdom, tacitly implying
"our ill Government in this point. And we leave you to judge whe-
"ther it be your duties, that are the Repreſentative Body of our People,
B "ſo to diſtaſte them with our Government; whereas by the contrary
"it is your duty, with all your endeavours, to kindle more and more a
"dutiful and thankful love in the peoples hearts towards us, for our juſt
"and gracious Government.

"Now whereas, in the very beginning of this your Apology, you tax
"us in fair terms of truſting uncertain Reports, and partial Informations
"concerning your proceedings, we wiſh you to remember, that we are
"an old and experienc'd King, needing no ſuch Leſſons, being in our Con-
C "ſcience freeſt of any King alive, from hearing or truſting idle Reports,
"which ſo many of your Houſe, as are neareſt us, can bear witneſs unto
"you, if you would give as good ear to them, as you do to ſome Tri-
"bunitial Orators among you: And, for proof in this particular, we have
"made your own Meſſengers confer your other Petitions ſent by you,
"with the Copy thereof, which was ſent us before: Between which, there
"is no difference at all; but that ſince our receiving the firſt Copy, you
"added a concluſion unto it, which could not come to our hands, till it
D "was done by you, and your Meſſengers ſent, which was all at one time.
"And if we had had no Copy of it before-hand, we muſt have received
"your firſt Petition to our great diſhonour, before we had known what
"it contained, which would have inforced us to return you a far worſe
"Anſwer than now we do; for then your Meſſengers had returned with
"nothing, but that we have judged your Petition unlawful, and unwor-
"thy of an Anſwer: For, as to your Concluſion thereof, it is nothing but
"*Proteſtatio contraria facto*; for, in the Body of your Petition, you uſurp
E "upon our Prerogative Royal, and meddle with things far above your
"reach, and then in the concluſion you proteſt the contrary; as if a
"Robber would take a man's Purſe, and then proteſt he meant not to rob
"him. For, firſt, you preſume to give us your advice concerning the
"Match of our deareſt Son with ſome Proteſtant (we cannot ſay Prin-
"ceſs, for we know none of theſe fit for him) and diſſwade us from his
"Match with *Spain*, urging us to a preſent War with that King; and
"yet in the concluſion, forſooth, ye proteſt ye intend not to preſs upon
"our moſt undoubted and Regal Prerogative; as if the petitioning of
F "us in matters, that your ſelves confeſs ye ought not to meddle with, were
"not a medling with them.

"And whereas ye pretend, That ye were invited to this courſe by
"the Speeches of three honourable Lords; yet by ſo much as your ſelves
"repeat of the Speeches, nothing can be concluded, but that we

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"were reſolved by War to regain the *Palatinate*, if otherwiſe we could "not attain unto it. And you were invited to adviſe forthwith upon a "Supply, for keeping the Forces in the *Palatinate* from disbanding, and "to foreſee the means for the raiſing, and maintenance of the Body of an "Army for that War againſt the Spring. Now, what inference can be "made upon this, that therefore we muſt preſently denounce War againſt "the King of *Spain*, break our deareſt Son's Match, and match him to "one of our Religion, let the World judge: The difference is no greater "than if we would tell a Merchant, that we had great need to borrow "Money from him for raiſing an Army; that thereupon it would follow "that we were bound to follow his advice in the direction of the War "and all things depending thereupon: But yet not contenting your- "ſelves with this excuſe of yours, which indeed cannot hold water, ye "come after to a direct contradiction to the concluſion of your former "Petition, ſaying, That the honour and ſafety of us and our Poſterity, "and the Patrimony of our Children, invaded and poſſeſſed by their ene- "mies, the welfare of Religion, and State of our Kingdom, are matters "at any time not unfit for your deepeſt conſiderations in Parliament. To "this Generality, we anſwer with the Logicians, That where all things "are contained, nothing is omitted. So as this Plenipotency of yours, "inveſts you in all power upon Earth, lacking nothing but the Popes to "have the Keys alſo both of Heaven and Purgatory: And to this vaſt "generality of yours, we can give no other anſwer; for it will trouble "all the beſt Lawyers in the Houſe, to make a good Commentary upon "it: For ſo did the Puritan Miniſters in *Scotland* bring all kind of cauſes "within the compaſs of their juriſdiction, ſaying, That it was the Churches "office to judge of ſlander: and there could no kind of crime or fault be "committed, but there was a ſlander in it, either againſt God, the King, "or their Neighbour; and by this means they hooked in to themſelves "the cognizance of all cauſes: Or like *Bellarmin*'s diſtinction of the Pope's "power over Kings, in *Ordine ad Spiritualia*, whereby he gives them all "Temporal Juriſdiction over them.

"But to give you a direct Anſwer to the matter of War, for which "you are ſo earneſt. We confeſs, we rather expect you ſhould have "given us thanks for the ſo long maintaining a ſetled Peace in all our Do- "minions, when as all our Neighbours about are in miſerable combuſtion "of War; but, *dulce bellum inexpertis*. And we indeed find by experi- "ence, that a number of our Subjects are ſo pamper'd with Peace, as they "are deſirous of change, though they knew not what.

"It is true, that we have ever profeſſed (and in that mind, with God's "grace, we will live and die) that we will labour by all means poſſible, "either by Treaty or by Force, to reſtore our Children to their ancient "Dignity and Inheritance; And whatſoever Chriſtian Princes or Poten- "tates will ſet themſelves againſt it, we will not ſpare any lawful means to "bring our ſo juſt and honourable purpoſe to a good end; neither ſhall "the Match of our Son, or any other worldly reſpect be preferred to this "our reſolution. For by our credit and intervention with the King of "*Spain*, and the Arch-Dutcheſs, and her Husband, now with God, we "preſerved the Lower *Palatinate* one whole year from any further con- "quering in it, which in eight days ſpace, in that time, might have eaſily "been ſwallow'd up by *Spinola*'s Army, without any reſiſtance. And in "no better caſe was it now at our Ambaſſador the Lord *Digby*'s coming "through *Heidelburgh*, if he had not extraordinarily ſuccoured it.

"But

"But becauſe we conceive, that ye couple this War of the *Palati-*
"*nate* with the cauſe of Religion, we muſt a little unfold your eyes
"herein.

"The beginning of this miſerable War, which hath ſet all Chriſten-
"dom on fire, was not for Religion, but only cauſed by our Son in Law
"his haſty and harſh reſolution, following evil counſel, to take to himſelf
"the Crown of *Bohemia*.

A "And that this is true, himſelf wrote Letters unto us at that
"time, deſiring to give aſſurance both to the *French* King, and State
"of *Venice*, that his accepting of the Crown of *Bohemia* had no re-
"ference to the cauſe of Religion, but onely by reaſon of his right
"of Election (as he called it.) And we would be ſorry that that
"aſperſion ſhould come upon our Religion, as to make it a good
"pretext for dethroning of Kings, and uſurping their Crowns;
"And we would be loth that our People here ſhould be taught
B "that ſtrange Doctrine: No, let us not ſo far wrong the Jeſuites,
"as to rob them of their ſweet poſitions and practice in that very
"point.

"And upon the other part, we aſſure our ſelf ſo far of your
"charitable thoughts of us, that we would never have conſtantly de-
"nied our Son in Law both the Title and aſſiſtance in that point, if we
"had been well perſwaded of the juſtice of his quarrel. But to con-
"clude, This unjuſt uſurpation of the Crowns of *Bohemia* and *Hun-*
C "*garia* from the Emperor, hath given the Pope and all that Party too
"fair a ground, and opened them too wide a gate for curbing and
"oppreſſing of many Thouſands of our Religion in divers parts of Chri-
"ſtendom.

"And whereas you excuſe your touching upon the King of *Spain*,
"upon occaſion of the incidents by you repeated in that place, and
"yet affirm, that it is without any touch to his honour; we cannot
"wonder enough that ye are ſo forgetful both of your words and writs:
D "For in your former Petition ye plainly affirm, That he affects the
"Temporal Monarchy of the whole Earth; than which, there can be
"no more malice uttered againſt any great King, to make all other
"Princes and Potentates both envy and hate him; but, if ye liſt, it may
"eaſily be tried, whether that ſpeech touched him in honour or not, if
"ye ſhall ask him the queſtion, whether he means to aſſume to himſelf
"that Title or no: for every King can beſt judge of his own honour.
"We omit the particular ejaculations of ſome foul-mouthed Ora-
E "tors in your Houſe, againſt the honour of that King's Crown and
"State.

"And touching your excuſe of not determining any thing concern-
"ing the Match of our deareſt Son, but onely to tell your Opinion, and
"lay it down at our feet: Firſt, We deſire to know, how you could
"have preſumed to determine in that point, without commiting of
"High Treaſon? And next you cannot deny, but your talking of
"his Match after that manner, was a direct breach of our command-
"ment and declaration out of our own mouth, at the firſt ſitting down
F "of this Parliament, where we plainly profeſſed, that we were in
"Treaty of this Match with *Spain*; and wiſhed you to have that
"confidence in our Religion and Wiſdom, that we would ſo man-
"age it, as our Religion ſhould receive no prejudice by it:
"And the ſame we now repeat unto you, profeſſing that we

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"are ſo far engaged in that Match, as we cannot in honour go "back, except the King of *Spain* perform not ſuch things as we ex- "pect at his hands. And therefore we are ſorry that ye ſhould ſhew "to have ſo great diſtruſt in us, as to conceive that we ſhould be "cold in our Religion; otherwiſe we cannot imagine how our for- "mer publick Declaration ſhould not have ſtopt your Mouths in this "point.

"And as to your requeſt, That we would now receive your for- "mer Petition; We wonder what could make you preſume, that "would receive it, whereas in our former Letter we plainly de[illegible] "the contrary unto you. And therefore we have juſtly rejected [illegible] "ſuit of yours: For what have you left unattempted in the highe[illegible] "points of Sovereignty, in that Petition of yours, except the ſtriking "of Coin? For it contains the violation of Leagues, the particular way "how to govern a War, and the Marriage of our deareſt Son, both Ne- "gative with *Spain*, nay, with any other Popiſh Princeſs; and alſo Af- "firmatively, as to the Matching with one of our Religion; which we "confeſs is a ſtrain beyond any providence or wiſdom God hath given "us, as things now ſtand.

"Theſe are unfit things to be handled in Parliament, except your "King ſhould require it of you: For who can have wiſdom to judge of "things of that nature, but ſuch as are daily acquainted with the parti- "culars of Treaties, and of the variable and fixed connexion of affairs "of State, together with the knowledge of the ſecret ways, ends, and "intentions of Princes in their ſeveral Negotiations? Otherwiſe a ſmall "miſtaking of matters of this nature, may produce more effects than "can be imagined: And therefore, *Ne Sutor ultra crepidam.* And beſides, "the intermedling in Parliament with matters of Peace and War, and "Marriage of our deareſt Son, would be ſuch a diminution to us and "our Crown in Forreign Countries, as would make any Prince neglect "to treat with us, either in matters of Peace or Marriage, except they "might be aſſured by the aſſent of Parliament. And ſo it proved long "ago with a King of *France*, who upon a Trick procuring his States "to diſſent from ſome Treaty which before he had made, was after re- "fuſed Treating with any other Princes, to his great repraoch, unleſs "he would firſt procure the aſſent of his Eſtates to their Propoſition. "And will you caſt your eyes upon the late times, you ſhall find, that "the late Queen, of famous Memory, was humbly petitioned by a Par- "liament to be pleaſed to marry: But her Anſwer was, That ſhe liked "their Petition well, becauſe it was ſimple, not limiting her to Place or "Perſon, as not befitting her liking to their fancies; and if they had "done otherwiſe, ſhe would have thought it a high preſumption in them. "Judge then what we may do in ſuch a caſe, having made our publick "Declaration already (as we ſaid before) directly contrary to that which "you have now petitioned.

"Now to the points in your Petition, whereof you deſire an Anſwer, "as properly belonging to the Parliament; the firſt and the greateſt "point is, that of Religion: Concerning which, at this time we can give "you no other Anſwer than in the general; which is, That you may reſt "ſecure, that we will never be weary to do all we can for the propa- "gation of our Religion, and repreſſing of Popery: But the manner "and form you muſt remit to our care and providence, who can beſt "conſider of times and ſeaſons, not by undertaking a publick War

"of

"of Religion through all the World at once, (which how hard and dan-
"gerous a task it may prove, you may judge.) But this puts us in mind,
"how all the World complained the laſt Year of plenty of Corn; and God
"ſent us a Cooling-card this Year for that heat: And ſo we pray God,
"that this deſire among you of kindling Wars (ſhewing your wearineſs of
"peace and plenty) may not make God permit us to fall into the miſeries
"of Both. But, as we already ſaid, our care of Religion muſt be ſuch,
A "as on the one part we muſt not, by the hot perſecution of our Recuſants
"at home, irritate Forreign Princes of contrary Religion, and teach them
"the way to plague the *Proteſtants* in their Dominions, with whom
"we daily intercede, and at this time principally, for eaſe to them of
"our profeſſion that live under them; yet upon the other part, we
"never mean to ſpare from due and ſevere puniſhment any *Papiſt*
"that will grow inſolent for living under our ſo mild Government. And
"you may alſo be aſſured, we will leave no care untaken, as well for
B "the good Education of the Youth at home, eſpecially the Children of
"*Papiſts*, as alſo for preſerving at all times hereafter the Youth that are
"or ſhall be abroad, from being bred in dangerous places, and ſo poiſon-
"ed in Popiſh Seminaries. And as in this point, namely, the good edu-
"cation of Popiſh Youth at home, we have already given ſome good
"proofs, both in this Kingdom and in *Ireland*; ſo will we be well pleaſed
"to paſs any good Laws that ſhall be made, either now, or at any time here-
"after, to this purpoſe.

C "And as to your requeſt of making this a Seſſion, and granting a General
"Pardon; It ſhall be in your defaults, if we make not this a Seſſion before
"*Chriſtmas*.

"But for the Pardon, ye crave ſuch particulars in it, as we muſt be well
"adviſed upon, leſt otherwiſe we give you back the double or treble of that
"we are to receive by your entire Subſidy, without Fifteens. But the or-
"dinary courſe we hold fitteſt to be uſed ſtill in this caſe, is, That we ſhould
"of our free Grace ſend you down a Pardon from the Higher Houſe, con-
D "taining ſuch points as we ſhall think fitteſt, wherein, we hope, ye ſhall
"receive good ſatisfaction.

"But we cannot omit to ſhew you, how ſtrange we think it, that ye
"ſhould make ſo bad and unjuſt a Commentary upon ſome words of our
"former Letter, as if we meant to reſtrain you thereby of your ancient
"Priviledges and Liberties in Parliament, Truly a Scholar would be
"aſham'd ſo to miſplace and misjudge any Sentences in another Man's
"Book. For whereas in the end of our former Letter, we diſcharge you to
E "meddle with matters of Government, and Myſteries of State, namely,
"matters of War or Peace, or our deareſt Son's Match with *Spain*; by
"which particular denominations we interpret and reſtrain our former
"words: And then after we forbid you to meddle with ſuch things as
"have their ordinary courſe in Courts of Juſtice: Ye couple together
"thoſe two diſtinct ſentences, and plainly leave out thoſe words, *Of My-*
"*ſteries of State*; ſo as ye erre, *à bene diviſis ad male conjuncta*: For of the
"former part, concerning Myſteries of State, we plainly reſtrain our
"meaning to the particulars that were after mentioned; and in the lat-
F "ter, we confeſs we meant it by Sir *Edward Cook*'s fooliſh buſineſs. And
"therefore it had well became him, eſpecially being our Servant, and
"one of our Council, to have complained unto us, which he never did,
"though he was ordinarily at Court ſince, and never had acceſs refuſed
"unto him.

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"And although we cannot allow of the ſtyle, calling it, *Your Ancient "and undoubted Right and Inheritance*; but could rather have wiſhed, "that ye had ſaid, That your Priviledges were derived from the grace "and permiſſion of our Anceſtors and Us; (for moſt of them grow from "Precedents, which ſhews rather a Toleration than Inheritance:) Yet "we are pleaſed to give you our Royal aſſurance, that as long as you "contain your ſelves within the limits of your duty, we will be as care- "ful to maintain and preſerve your lawful Liberties and Priviledges, as "ever any of our Predeceſſors were, nay, as to preſerve our own Roy- "Prerogative. So as your Houſe ſhall only have need to beware to trench "upon the Prerogative of the Crown; which would enforce us, or any "juſt King, to retrench them of their Priviledges, that would paſs his "Prerogative, and Flowers of the Crown: But of this, we hope there "ſhall never be cauſe given. Dated at *Newmarket* the Eleventh day of "*December*, 1621.

A

B

The Lord Keeper's judgment touching the King's ſharp Anſwer.

The Lord Keeper *Williams* adviſed, That the harſhneſs of this Anſwer ſhould be mitigated with a Letter from his Majeſty to the Houſes. For (ſaid he) his Majeſty rightly infers, That their Priviledges which they claim to be their Natural Birth-rights, are but the favours of former Kings. Now the King's Aſſertion and their Claim may eaſily be reconciled, if Men were peaceably diſpoſed, and affected the diſpatch of common buſineſs.

C

Theſe Priviledges were Originally the favour of Princes; neither doth his Majeſty go about to impair or diminiſh them. Therefore if his Majeſty would be pleaſed to qualifie the paſſage with ſome mild and noble expreſſion, and require them ſtrictly to prepare things for a Seſſion, and to leave thoſe needleſs diſputes, he ſhall make it appear to all wiſe and juſt Men, that thoſe Perſons are oppoſite to thoſe common ends, whereof they vaunt themſelves the only Patrons. Will the King be pleaſed to add in this Letter, That if they will not prepare Bills for a Seſſion, he will break up the Parliament without any longer Prorogation, acquainting the Kingdom with their undutifulneſs and obſtinacy, and ſupply the preſent wants by ſome other means: Or elſe will he adjourn the preſent Aſſembly to the appointed Eighth of *February*. This latter courſe is fitter for further advice; but the former, to expreſs a juſt indignation.

D

The Lord *Digby* to the Peers.

The Lord *Digby* minded the Peers, That this Seſſion was called for the preſent ſupport of the *Palatinate*, as was declared by the Meſſage from his Majeſty to both Houſes in the beginning thereof. He reported alſo, That he had received many great Advertiſements of that Countries preſent diſtreſs and danger, by the Duke of *Bavaria*; and that the Army of *Mansfeld*, who came in for defence, if he be not ſpeedily ſupplied with Moneys, is in a poſſibility of deſerting the ſervice; for he hath fair offers of making his peace, but nothing will take with him, being in hopes of relief from *England*.

E

But the Parliament thought it their duty, as well to adviſe his Majeſty, as to ſupply his wants.

December 19. The Prince delivered to the Clerk the Commiſſion for an Adjournment to the Eighth of *February*: Which diſcontented the Commons and good People of *England*, foreſeeing a Diſſolution by *Gondomar*'s means.

F

Before the Adjournment, in vindication of their Parliamentary Rights and Priviledges, the Commons made and entred this Proteſtation following.

The

19 *Jacobi*. The Commons Protestation.

THe Commons now assembled in Parliament, being justly occasioned thereunto, concerning sundry Liberties, Franchises, and Privileges of Parliament, amongst others here mentioned, do make this Protestation following, That the Liberties, Franchises, Privileges, and Jurisdictions of Parliament, are the ancient and undoubted Birth-right and Inheritance of the Subjects of England; And that the arduous and urgent affairs concerning the King, State, and Defence of the Realm, and of the Church of England, and the maintenance and making of Laws, and redress of mischiefs and grievances which daily happen within this Realm, are proper subjects and matter of Counsel and debate in Parliament; and that in the handling and proceeding of those businesses, every Member of the House of Parliament hath, and of right, ought to have freedom of speech, to propound, treat, reason, and bring to conclusion the same; And that the Commons in Parliament have like liberty and freedom to treat of these matters in such order, as in their judgments shall seem fittest; And that every Member of the said House hath like freedom from all Impeachment, Imprisonment, and Molestation (other than by Censure of the House it self) for or concerning any speaking, reasoning, or declaring of any matter or matters touching the Parliament, or Parliament-business; And that if any of the said Members be complained of, and questioned for any thing done or said in Parliament, the same is to be shewed to the King by the advice and assent of all the Commons assembled in Parliament, before the King give credence to any private Information.

But how the King was moved by the Protestation of the House of Commons, will appear by this Memorial.

Whitehall, Decemb. 30. 1621.

HIs most Excellent Majesty coming this day to the Council, the Prince His Highness, and all the Lords and others of His Majesties Privy Council sitting about him, and all the Judges then in London, which were six in number, there attending upon His Majesty; the Clerk of the Commons House of Parliament was called for, and commanded to produce his Journal-Book, wherein was noted, and Entries made of most passages that were in the Commons House of Parliament; and amongst other things there was written down the form of a Protestation concerning sundry Liberties, Privileges, and Franchises of Parliament; with which form of Protestation His Majesty was justly offended. Nevertheless His Majesty, in a most gracious manner, there expressed, That he never meant to deny that House of Commons any lawful Privileges that ever they had enjoyed; but whatsoever Privileges or Liberties they had by any Law or Statute, the same should be inviolably preserved unto them; and whatsoever Privileges they enjoyed by Custom, or uncontrolled and lawful president, His Majesty would be careful to preserve. But this Protestation of the Commons House, so contrived and carried as it was, His Majesty thought fit to be razed out of all Memorials, and utterly to be annihilated, both in respect of the manner by which it was gained

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ed, and the matter therein contained. For the manner of getting it, first, in respect of the time: For after such time as His Majesty, out of His Princely grace, and to take away all mistakings, had directed His Letters to Secretary Calvert, dated at Royston, 16 Decembris, and therein had so explained himself in the point of maintaing the Priviledges of the House of Commons, as that most of the said House rested fully satisfied, and freed from any scruple of having their Liberties impeached; And after that, by His Majesty's Letters, directed to the Speaker, dated 18 December, being Tuesday, His Majesty, at the humble suit of the House of Commons, condescended to make this Meeting a Session before Christmas, and for that purpose had assigned Saturday following. Now upon this very Tuesday, and while the Messengers from the House of Commons were with His Majesty at Theobalds, to return thanks unto His Majesty, and therewith an excuse from them not to make it a Session, in respect of the strait of time whereunto they were driven: which determent His Majesty admitted of at their desires, and thereupon gave order for the Adjournment of the Parliament until the Eighth of February next, which was the first day formerly appointed by His Majesty for the meeting together of the Parliament: And whilst their Messengers were with His Majesty, and had received a gracious Answer to return unto their House; even that afternoon, a Committee was procured to be made for taking their Liberties into consideration: And this afternoon a Protestation was made (to whom, appears not) concerning their Liberties; and at six a clock at Night, by candle-light, the same Protestation was brought into the House by the Committee, and at that time of Night it was called upon to be put to the Question, there not being the third part of the House then present; whereas in all matters of weight, their usual custom is, to put nothing of importance to the Question, till the House be full: And at this time many of them that were present, expected the Question would have been deferred to another day, and a fuller House; and some then present stood up to have spoken to it, but could not be seen or heard in that darkness and confusion. Now for the matter of the Protestation, it is penned in such ambiguous and general words, as may serve for future times to invade most of Rights and Prerogatives annexed to the Imperial Crown; the claim of some Priviledges being grounded upon the words of the Writ for assembling the Parliament, wherein some words, viz, *Arduis Regni*, are cunningly mentioned; but the word *quibusdam*, which restraineth the generality to such particular Cases, as His Majesty pleaseth to consult with them upon, is purposely omitted.

A B C D E F

The King takes the *Protestation* out of the Journal-book with his own hand.

These things considered, His Majesty did, this present day, in full assembly of His Council, and in the presence of the Judges, declare the said Protestation to be invalid, annulled, void, and of no effect: And did further, *manu sua propria*, take the said Protestation out of the Journal-Book of the Clerk of the Commons House of Parliament, and commanded an Act of Councel to be made thereupon, and this Act to be entred in the Register of Council-causes.

In the mean time the King dissolves them

On the Sixth of *January*, the King, by Proclamation, dissolved the Parliament; shewing, that the assembling, continuing, and dissolving of Parliaments, doth so peculiarly belong unto him, that he needs not give an account thereof unto any: Yet he thought fit to declare, That in this Disso-

19 Jacobi.

Diſſolution, he had the advice and uniform conſent of his whole Council. And that ſome particular Members of the Houſe of Commons took inordinate liberty, not only to treat of his high Prerogatives, and ſundry things, not fit to be argued in Parliament, but alſo to ſpeak with leſs reſpect to Forreign Princes: That they ſpent the time in diſputing Priviledges, deſcanting upon the words and ſyllables of his Letters and Meſſages: And that theſe evil-tempered Spirits ſowed Tares among the Corn, A and by their cunning devices have impoſed upon him a neceſſity of diſcontinuing this preſent Parliament, without putting unto it the name or period of a Seſſion. And laſtly, he declared, That though the Parliament be broken off, yet he intended to govern well, and ſhall be glad to lay hold on the firſt occaſion to call a Parliament again at convenient time.

The King was highly diſpleaſed with ſome of the Commons Houſe, whom he called, *Ill-tempered ſpirits*; Sir *Edward Cook*, Sir *Robert Philips*, B were committed to the *Tower*; Mr. *Selden*, Mr. *Pym*, Mr. *Mallery*, to other Priſons and Confinements. Order was given for the ſealing up the locks and doors of Sir *Edward Cook*'s Chambers in *London*, and in the *Temple*, for the ſeiſing of his Papers. And the Council debating about the General Pardon that ſhould have paſſed this laſt Parliament, had conſulted about the ways of excluding him from that benefit, either by preferring a Bill againſt him before the publication of the Pardon, or by exempting him by name, whereof, they ſaid, they had preſidents.

Some eminent Members of the Parliament impriſoned.

C Likewiſe Sir *Dudley Diggs*, Sir *Thomas Crew*, Sir *Nathaniel Rich*, and Sir *James Perrot*, for puniſhment were ſent into *Ireland*, joyned in Commiſſion with others, under the Great Seal of *England*, for the enquiry of ſundry matters concerning his Majeſty's ſervice, as well in the Government Eccleſiaſtical and Civil, as in point of his Revenue and othewiſe, within that Kingdom.

Others ſent for puniſhment into *Ireland*.

Proclamations had formely iſſued out againſt the peoples too liberal ſpeaking of matters above their reach: Which at this time occaſioned D Letters from the Council, to the Judges of the next Aſſizes, taking notice of licentious and undutiful ſpeeches touching State and Government, notwithſtanding ſeveral Proclamations prohibiting the ſame, which the King was reſolved no longer to let paſs without ſevereſt puniſhment; and thereupon required the Judges to give this in charge in their ſeveral Circuits, and to do exemplary Juſtice where they find any ſuch Offenders.

The Council write to Judges concerning ſuch as ſpeak of State-affairs.

The King ſtill walked in his beaten path of Solicitations and Treaties, E after the conſtant bad ſucceſs of his former Mediations: for at the very time when he treated of Peace, his Son in Law was deſpoiled of his Hereditary Patrimony by the Emperor's commandment; who after the ſuſpenſion of the Ban, or Proſcription, commanded the taking up of Arms again in the *Lower Palatinate*, the *Upper Palatinate* being already ſubdued. Which miſery King *James* acknowledged to be the fruit of his own patience, delays, and doubtfulneſs. Nevertheleſs he ceaſeth not to purſue the favour of an implacable Enemy. He wrote to the Emperor *Ferdinand*, declaring his earneſt endeavours to appeaſe the *Bohemian* War, and his ardent F zeal for peace from the beginning; and expreſſed the Terms which he had preſcribed to his Son in Law: as, That he ſhall for himſelf and his Son renounce all pretence of Right and Claim to the Crown of *Bohemia*; That he ſhall from henceforth yield all conſtant due devotion to the Imperial Majeſty, as do other obedient Princes Electors of the Empire; That

The *Palatine* ſpoiled of his Hereditary Dominions.

The Terms which King *James* deſires the Emperor to accept, in behalf of the *Palatine*.

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King *James* requeſted of the Emperor the acceptance of theſe Conditions, as a notable teſtimony of his Imperial Majeſty's goodneſs and grace, which, he ſaid, ſhould be by himſelf acknowledged in all willing ſervice, and unfeigned friendſhip to the Emperor himſelf, and the moſt renowned Houſe of *Auſtria*. But if theſe his juſt demands, and well-willed preſentations, ſhall not find acceptance, or be ſlightly waved by ſome new tergiverſation, or a pretence of that long and tedious way of Conſultation with the Princes of the Empire, he is reſolved to try his utmoſt power for his Childrens relief, judging it a foul ſtain to his Honour, if he ſhall leave them and their Partizans without counſel, aid and protection.

The Emperor's Anſwer to King *James*, *Jan.* 14. 1621.

The Emperor replied and confeſſed, That in this exulcerate Buſineſs, ſo much moderation, and reſpect of juſtice and equity, hath ſhined forth in the King of *Great Britain*, that there is not any thing that he ſhould refuſe to render thereunto, reſerving his *Ceſarian* Authority, and the Laws of the Empire: Yet that Perſon whom it moſt concerns, hath given no occaſion, by the leaſt ſign of repentance, to a condeſcenſion to this Treaty of Pacification; for he is ſtill ſo obſtinate, as by continual machinations by *Jagerndorf* and *Mansfeld*, and other cruel diſturbers of the publick peace, to call up Hell, rather than to acquieſce in better counſels, and deſiſt from the uſurped Title of a Kingdom. Howbeit, in favour of the King of *Great Britain*, he ſhall conſent to a Treaty to be held at *Bruxels*, wherein he would devolve his power upon the Illuſtrious *Elizabetha Clara Eugenia*, Infanta of *Spain*.

The appointment of the Treaty at *Bruxels* was accepted by King *James*, whither he ſent his Ambaſſador Sir *Richard Weſton*, Chancellor of the Exchequer. In the mean while, misfortune and miſery over-ran the *Palatinate*: The Enemy having prevailed in ſeveral grand encounters, proceeded to ſubdue the Country, without regard to the Treaty of Peace at *Bruxels*. Which was more eaſily effected, the Commotions in *Hungaria*, *Bohemia*, *Sileſia*, *Moravia*, being now ended in a Treaty of Peace between the Emperor and *Bethleem Gabor*, the Emperor having made uſe of the *Palſgrave*'s ſubmiſſion, and reſignation of the Crown of *Bohemia*, to accelerate this Treaty.

About this time *Philip* the Third, King of *Spain*, departed this life; and the Lord *Digby* was ſent Extraordinary Ambaſſador into *Spain*, as well to condole his Death, as to advance the Match, and by all means poſſible to bring it to a final concluſion. To which end, he was accompanied with Letters from his Majeſty, and the Prince, to that King, as alſo a private Letter to *Don Baltazar de Zuniga*.

A B C D E F

Moſt

King *James*, to *Philip* the Fourth of *Spain*.

MOſt Serene and Potent Prince, Kinſman, and dearly beloved Friend; When we heard of the death of your Majeſty's Father, Philip *the Third, with whom we had great Amity, and, by our Amity, managed very important Matters, which, he being dead, could not but of neceſſity be interrupted: It was no leſs grief to us, than if he had been our own natural and moſt intimate Brother: Which grief we have certified both to your Majeſty by our Letters, as was fitting, and intimated to our People in a ſolemn and due manner. And thus far we have ſatisfied our ſelves; but in the next place we muſt alſo give Cuſtom its due. For which end we ſend unto your Majeſty our Publick Ambaſſador and Meſſenger of this our grief, the Baron* John Digby, *our Counſellor and Vice-chamberlain, adjoyning unto the reſt of his Inſtructions, this our wiſh, That your Serenity may rule your Father's Kingdoms, which you have received under a moſt proſperous Star, with his and our Anceſtors Prudence, and that we may really find that love which alway paſſed between your Father, of moſt happy memory, and us, propagated with the ſame candor unto you his Succeſſor, the which we alſo hope.*

Given at our Palace of Theobald's, Mar. 14. 1621.

Your Majeſty's moſt loving Brother,

J. R.

Jacobus, *&c. Sereniſſimo & Potentiſſimo Principi ac Domino*, Philippo *Quarto, &c.*

SEreniſſime & Potentiſſime P. Frater, Conſanguinee & Amice Chariſſime: Quum aliquot abhinc annis (pro affinitate noſtra arctiori, totiuſque orbis Chriſtiani bono) deliberatio ſuſcepta fuerit de Matrimonio inter Chariſſimum filium noſtrum *Carolum* P. *Walliæ* & Illuſtriſſimam Infantam Dominam *Mariam* (Serenitatis veſtræ ſororem natu minorem) contrahendo; quod ſuperſtite adhuc R. *Philippo* Tertio, (feliciſſimæ memoriæ) Patre veſtro, eo per gradus devectum erat, ut ille ſi non expiraſſet, hoc multo ante hac conſummatum iri ſpes eſſet: nunc denuo, Serenitatem veſtram interpellandam duximus, jam tandem ut velit operi bene inchoato faſtigium imponere; & expectato deliberationes præteritas exitu coronare. Matura jam filii ætas, filii Unici, rerumque & temporum ratio conjugem videntur efflagitare; nobiſque in ſenectutis limine conſtitutis

James, &c. To the moſt Serene and moſt Potent Prince and Lord, *Philip* the Fourth, *&c.*

King *James* his Letter to the King of *Spain*.

MOſt Serene and Potent Prince, Kinſman, and Well-beloved Friend; Foraſmuch as ſome Years ago (for our near Alliance, and the good of the whole Chriſtian World) we had reſolved to make a Marriage between our Well-beloved Son, Charles *Prince of* Wales, *and the moſt Illuſtrious Infanta, the Lady* Mary, *your Serenities youngeſt Siſter, which in the life-time of your Father, King* Philip *the Third, of moſt happy Memory, was ſo far advanced, that if he had not died, it had been brought to perfection long ere now: We have therefore thought good, to treat now again with your Serenity, that at length you would put a period to a work ſo well begun, and crown our by-paſt Deliberations with an expected iſſue. The age of our Son arrived now to maturity, and He our onely Son (beſides the condition of the times, and our affairs) doth require him to Marry. And we being at the brink of old Age, it would rejoyce*

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tutis, feliciſſimus illuceret dies, quo cernere liceret poſterorum etiam amicitiam optato hoc affinitatis fœdere conſtrictam. Miſimus itaque ad Serenitatem veſtram Legatum noſtrum Extraordinarium, Prænobilem virum *Johannem Digbeum*, Baronem de *Sherbone*, Conſiliarium & Vice-Camerarium noſtrum, jam olim de hac affinitate & Domus *Auſtriacæ* honore bene meritum, cui una cum Legato noſtro Ordinario, quicquid reliquum eſt hujus Negotii, tractandum, tranſigendum, abſolvendumque Commiſimus. Quicquid illis illic videbitur ratum hic habituri. Utinam etiam veſtræ Serenitatis bonitate levaretur aliquando altera illa noſtra de *Palatinatu* Sollicitudo, de filia & genero & inſontibus eorum liberis ex avito jam extorribus Patrimonio. Quam vellemus veſtræ Potiſſimum Serenitati beneficium hoc in ſolidum debere, cujus tot modo experti ſumus ea in re Amiciſſima Officia! Non nos unquam capiet tantæ benevolentiæ oblivio, Poſteriſque Hereditarium ſtudebimus relinquere amorem illum, quo veſtram Serenitatem & memoriæ optimæ Patrem ſemper ſumus amplexi, ſemper amplexuri. Unum hoc ſupereſt ut ſi quid aliud in re quacunque propoſuerit Legatus hic noſter, eam ei fidem adhibere, ac ſi nos preſentes eſſemus, dignetur Serenitas veſtra: Quam Deus Optimus Maximus perpetuo incolumem conſervet.

Serenitatis veſtræ

Frater amantiſſimus,

Jacobus R.

Dat. è Regia noſtra *Theobald.* 14 Die *Martii, An. Dom.* 1621.

us to ſee the day, wherein our Poſterities Friendſhip ſhould be bound up in this moſt deſired Bond of Affinity. We have therefore ſent unto your Serenity our Extraordinary Ambaſſadour, the Right Honourable the Lord Digby, *Baron of* Sherborn, *our Counſellor, and Vice-Chamberlain, who has formerly deſerved well of this Alliance and the honour of the Houſe of* Auſtria, *unto whom, together with our Ordinary Ambaſſadour, we have entruſted the remainder of this buſineſs, to be treated, tranſacted, and finiſhed, and ſhall be ready to ratifie and approve here, what ever they ſhall agree upon. We wiſh likewiſe, that your Serenity, out of your goodneſs, would eaſe our other care, touching the* Palatinate, *which concerns our Daughter and Son in Law, and their innocent Children, baniſhed from their Anceſtor's Inheritance. How gladly would we owe this good turn ſolely to your Serenity, who have already done us ſo many friendly Offices in that buſineſs! No Oblivion ſhall ever blot out of our mind, the acknowledgment of ſo great a favour; and we will endeavour to tranſmit to our Poſterity, that the Hereditary goodwill wherewith we have ever affected your Serenity, and your Royal Father of moſt worthy memory, and ſhall ever affect you. One thing remains, That if this our Ambaſſador ſhall propoſe any other matter touching what buſineſs ſoever, your Serenity will be pleaſed to give him credence, as if we our ſelf were preſent. The moſt gracious and great God ever preſerve your Serenity in ſafety.*

Your Serenity's

moſt loving Brother,

J. R.

Given at our Palace of *Theobalds*, 14 *March*, 1621.

Prince

Prince *Charles*, to the King of *Spain*.

Prince *Charles* to the King of *Spain*.

A *Most Serene and Potent Prince, and well-beloved Kinſman, Some Years ago, our moſt Serene Parents began to treat about a Match between us and the moſt Serene, our dearly beloved Princeſs, the Lady* Mary, *your Majeſty's moſt honoured Siſter. The condition and ſucceſs of which affair and Treaty, our moſt Serene and honoured Lord and Father, out of his Fatherly affection towards us, was pleaſed, upon all occaſions, ſo much the more willingly to impart unto us, by how much greater propenſion and apparent ſigns of true affection he diſcovered in us thereunto; for which cauſe, the Baron* Digby, *his Majeſty's Vice-Chamberlain, and Extraordinary Ambaſſador, and one of our Privy Chamber, being now bound for* Spain, *with moſt ample Inſtructions to*
B *bring unto an happy iſſue, that which was proſperouſly begun, and advanced, before your moſt gracious Father, our Uncle, of happy memory, departed this Life: We thought it no leſs becoming us, by theſe our Letters, moſt affectionately to ſalute your Majeſty; who, if you ſhall perſwade your ſelf, that we highly eſteem of your affection, as we ought to do, and that by a moſt dear bond of affinity, we deſire to have it enlarged and confirmed towards us, that very perſwaſion will not a little add to the meaſure of our love. It remains, that we intreat your Majeſty to give full credit to ſuch further Propoſals, as the Baron* Digby
C *ſhall make in our Name. In the mean time, we will hope for ſuch a ſucceſs of the principal buſineſs, as may give us occaſion to uſe a more familiar ſtyle hereafter in our Letters, as an argument of a nearer relation; which if it ſhall happen, this will alſo follow, That we ſhall moſt readily embrace all occaſions, whereby to evidence unto your Majeſty the progreſs and increaſe of our affection, as well towards your ſelf, as your moſt Serene Siſter.*

The moſt great and good God preſerve your Majeſty long in ſafety.

D *Your Majeſty's moſt loving Kinſman,*

Given at Our Palace of Saint *James*, 14 *Martii*, 1621.

C. P.

To the Right Honourable, the Lord *Balthazar* of *Zuniga*.

E

Right Honourable, and Well-beloved Friend,

King *James* his Letter to the Lord *Balthazar* of *Zuniga*.

Because we have divers times been informed by your Friends, of your ſingular propenſion and zeal towards our affairs, we neither will, nor ought to leave you unſaluted at this time, you have ſo well deſerved of us: But it will be no ſmall acceſſion of your good-will, if you continue as you have
F *begun, to promote, by your aſſiſtance, our concernments with his Majeſty our Well-beloved Brother; which, by what way it may beſt be done, our Ambaſſador the Baron* John Digby *will be able to direct you, to whom we have intruſted the reſidue of that matter. And if, during his reſidence there, he may make uſe of your ſingular humanity and favour with the King, in his Negotiation, it will be moſt acceptable to us, and render us, who were, by your deſervings, already*

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forward to oblige you, moſt forward for the future to deſerve well of you; which we ſhall moſt willingly teſtifie, as occaſion offers, not only in word, but in deed.

Given at our Palace of *Theobalds, March* 14. 1621. J. R.

Sir *Walter Aſton*, the Leiger Ambaſſador, had managed that Treaty by directions received from *Digby*; and now *Digby* remained at large in it, and had communication of the paſſages from him. The *Spaniards* proceed in the Match with a very formal appearance; for at this very time, the Emperor's Ambaſſador in *Spain* had diſcourſed of a Marriage between his Maſters Son and the *Infanta*; but was preſently anſwered, That the King's hands were tied by a Treaty on foot with the King of *Great Britain*; and in this particular they ſeemed (as ſaid the *Engliſh* Agent) to deal above-board.

The Privy Council, by the King's command, iſſue out an Order for raiſing Money for the defence of the *Palatinate*.

In the mean time, the Privy Council, by the King's commandment, conſulted about the raiſing of Moneys to defend the *Palatinate*. They appointed the Keeper of the Records of the *Tower*, to ſearch for all ſuch Writings as concerned the Levies of Men at the publick charge of the Countrey, from the time of King *Edward* the Third, until this preſent.

Likewiſe they directed Letters, of the tenor following, to the Juſtices of the Courts at *Weſtminſter*, and to the Barons of the Exchequer.

WHat endeavours his Majeſty hath uſed by Treaty, and by all fair and amiable ways to recover the Patrimony of his Children in Germany, *now for the moſt part with-holden from them by force, is not unknown to all his loving Subjects, ſince his Majeſty was pleaſed to communicate to them in Parliament his whole proceedings in that buſineſs: Of which Treaty, being of late fruſtrate, he was inforced to take other reſolutions; namely, to recover that by the Sword, which by other means he ſaw no likelihood to compaſs. For which purpoſe, it was expected by his Majeſty, that his People in Parliament would (in a cauſe ſo nearly concerning his and his Childrens intereſt) have chearfully contributed thereunto. But the ſame unfortunately failing, his Majeſty is conſtrained, in a caſe of ſo great neceſſity, to try the dutiful affections of his loving Subjects in another way, as his Predeceſſors have done in former times, by propounding unto them a voluntary contribution. And therefore, as your ſelves have already given a liberal and worthy example (which his Majeſty doth take in very gracious part) ſo his pleaſure is, and we do accordingly hereby authoriſe and require your Lordſhips, as well to countenance and aſſiſt the ſervice by your beſt means, in your next Circuits, in the ſeveral Counties where you hold General Aſſizes; as alſo now preſently, with all convenient expedition, to call before you all the Officers and Attorneys, belonging to any his Majeſty's Courts of Juſtice; and alſo all ſuch others of the Houſes and Societies of Court, or that otherwiſe have dependance upon the Law, as are meet to be treated with all in this kind, and have not already contributed; and to move them to joyn willingly in this Contribution in ſome good meaſure, anſwerable to that your ſelves and others have done before us, according to their means and fortunes: Wherein his Majeſty doubteth not, but beſide the intereſt of his Children, and his own Crwon and Dignity, the Religion profeſſed by his Majeſty, and happily flouriſhing under him, within this Kingdom, (having a great part in the ſucceſs*

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ceſs of this buſineſs) will be a ſpecial motive to incite and perſwade them thereunto. Nevertheleſs, if any Perſon ſhall, out of obſtinacy or diſaffection, refuſe to contribute herein: proportionably to their Eſtates and Means, you are to certifie their Names unto this Board.

And ſo recommending this ſervice to your beſt care and endeavour, and praying you to return unto us Notes of the Names of ſuch as ſhall contribute, and of the ſumms offered by them, We bid, &c:

A Letters to the ſame effect were directed to the High Sheriffs and Juſtices of Peace of the ſeveral Counties; and to the Maiors and Bailiffs of every City and Town-Corporate within the Kingdom, requiring them to ſummon all of known Abilities within their Juriſdictions, and to move them to a chearful contribution according to their Means and Fortunes, in ſome good meaſure, anſwerable to what others well-affected had done before them. And to make choice of meet Collectors of the B Moneys, and to return a Schedule of the Names of ſuch as ſhall contribute, and the ſumms that are offered by them; that his Majeſty may take notice of the good inclinations of his Subjects to a cauſe of ſuch importance; as likewiſe of ſuch others, if any ſuch be, as, out of obſtinacy or diſaffection, ſhall refuſe to contribute.

About this time, *George Abbot*, Archbiſhop of *Canterbury*, began to fall into diſgrace at Court; his enemies taking the advantage of a late ſad misfortune, for ſhooting at a Dear with a Croſs-bow in *Bramzil* Park, C he caſually killed the Keeper. Upon this unhappy accident, it was ſuggeſted to the King, who already diſguſted him for oppoſing the Match with *Spain*, That in regard of his eminent rank in the Church, it might adminiſter matter of Scandal; which was aggravated by ſuch as aſpired unto his place and dignity. The Biſhop of *Lincoln*, then Lord Keeper, informed the Marquiſs of *Buckingham*, That, by the Common Law of *England*, the Archbiſhop's whole Eſtate was forfeited to the King; and by the Common Law, which is ſtill in force, he is made irregular, *ipſo facto*, D and ſo ſuſpended from all Eccleſiaſtical Function, until he be reſtored by his Superior, which was the Kings Majeſty, in this rank and order of Eccleſiaſtical Juriſdiction; To add affliction to the afflicted "(*ſaid he*)" will be againſt his Majeſty's nature; yet to leave a Man of "blood, Primate and Patriarch of all his Churches, is a thing that "ſounds very harſh in the Old Councils and Canons, and the Papiſts "will not ſpare to cenſure it."

Archbiſhop *Abbot* not reliſhed at Court; and advantage taken againſt him.

The King made choice of the Lord Keeper, the Biſhops of *London*, E *Winton*, *Rocheſter*, St. *David's*, and *Exeter*, Sir *Henry Hobert*, Juſtice *Doderidge*, Sir *Henry Martin*, and Doctor *Stuart*, to inform him of the nature of this cauſe, and the ſcandal that might ariſe thereupon; and to certifie what the ſame may amount unto, whether to an irregularity, or otherwiſe, and what means may be found for redreſs. However this conſultation was mannaged, the Archbiſhop was not deprived; but a Plant was growing up that over-topped him whilſt he lived, and after his deceaſe obtained the Primacy.

Doctor *Laud*, who was firſt choſen to the Biſhoprick of St. *David's*, F by the mediation of the Lord Keeper *Williams*, and was conſecrated by the Biſhops of *London*, *Worceſter*, *Chicheſter*, *Ely*, *Landaff*, and *Oxon*; the Archbiſhop in the mean time was not thought irregular for the Caſual Homicide.

This Biſhop, Doctor *Laud*, was looked upon, in thoſe times, as an *Arminian*,

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Bishop *Land* suspected to incline to Popish Tenets while he was of *Oxford*, as appears by a notable passage.

Arminian, and a fierce opposer of *Puritans*; and while he lived in *Oxford*, suspected to incline to *Popish* Tenets, as may appear by his Letter of Complaint, sent to his Patron, Doctor *Neal*, then Bishop of *Lincoln*, against a Sermon preached by *Robert Abbot*, Doctor of the Chair in *Oxford*; in which Letter he inclosed this (amongst other passages) of the Doctor's Sermon, *viz.*

A "That Men under pretence of Truth, and preaching against the *Puri-*
"*tans*, strike at the heart and root of Faith and Religion now established
"among us. That this preaching against the *Puritans* was but the practice
"of *Parsons* and *Campions* counsel, when they came into *England* to
"seduce young Students: And when many of them were afraid to lose
"their places, if they should professedly be thus, the counsel they then
"gave them, was, That they should speak freely against the *Puritans*, and
"that should suffice. And they cannot intend, that they are accounted
"*Papists*, because they speak against the *Puritans*. But because they in- B
"deed are *Papists*, they speak nothing against them. If they do at any
"time speak against the *Papists*, they do beat a little upon the Bush, and
"that softly too, for fear of troubling or disquieting the Birds that are
"in it.

I Came time enough (saith Mr. Laud*) to be at the rehearsal of this Sermon, upon much perswasion, where I was fain to sit patiently, and hear my self abused almost an hour together, being pointed at as I sate. For this present abuse,* C *I would have taken no notice of it, but that the whole University apply it to me, and my own Friends tell me, I shall sink my credit, if I answer not Dr.* Abbot *in his own. Nevertheless, in a business of this kind, I will not be swayed from a patient course. Onely I desire your Lordship to vouchsafe me some direction what to do,* &c.

The *Arminians* begin to be favoured by the King, by means of Bishop *Land*.

The *Arminian Sect*, opposed by King *James*, and by his special concurrence lately broken in the *Netherlands*, by the beheading of *Barnevalt* the chief of them, began in his latter times to spring up in *England*, and D was countenanced by the said Prelate, who had newly obtained the opinion and favour of the Marquis of *Buckingham*: The King's main design then not suffering the suppressing of that way, which in common judgment was inclined to Popery, or he thought to recover all his losses, and to salve all misfortunes by the *Spanish* Match. And for this cause, he released multitudes of Priests and Popish Recusants, then imprisoned, which the *Spaniards* professed to be a great demonstration of the King's E sincere affection, to confirm the correspondence and amity between the Crowns. And that this enlargement might be the more expedite, and less chargeable, the King gave direction to the Lord Keeper *Williams*, Bishop of *Lincoln*,

Favours shewed to Recusants by the King's Order.

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THat whereas he had formerly given order for the release of Recusants, by removing them from the several Gaols of this Kingdom, to be bailed before the Justices of the Bench: And finding that this course F will be troublesome to the poorer sort of them, he doth now require, that Writs be directed to the Justices of Assizes, enabling and requiring them, to enlarge such Recusants as they shall find in their several Gaols, upon such conditions and securities, as were required by the Judges of his Bench. Accordingly the Writs were issued forth under the Great Seal, and the Lord Keeper wrote to the Judges on this manner:

That

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That the King having, upon deep Reaſons of State, and in expectation of the like correſpondence from Foreign Princes to the Profeſſors of our Religion, reſolved to grant ſome grace to the impriſoned Papiſts, had commanded him to paſs ſome Writs under the Broad Seal for that purpoſe: Wherefore it is his Majeſty's pleaſure, that they make no niceneſs or difficulty to extend his Princely favour to all ſuch, as they ſhall find Priſoners in the Gaols of their Circuits, for any Church Recuſancy, or refuſing the Oath of Supremacy, or diſperſing of Popiſh Books, or any other point of Recuſancy that ſhall concern Religion onely, and not matters of State.

But a general offence was taken at this Indulgence to Papiſts, and the Lord Keeper's Letter to the Judges, which, how the Keeper endeavoured to renounce, may be ſeen in his Letter, written to a Perſon of Honour.

The Lord Keeper's Letter, excuſing the King's favour towards Papiſts.

As the Sun in the Firmament appears to us no bigger than a Platter, and the Stars are but as ſo many Nails in the Pummel of a Saddle, becauſe of the enlargement and diſproportion between our Eye and the Object: So is there ſuch an unmeaſurable diſtance between the deep reſolution of a Prince, and the ſhallow Apprehenſions of common and ordinary people; that as they will ever be judging and cenſuring, ſo they muſt needs be obnoxious to error and miſtaking. The King is now a moſt zealous Interceſſor for ſome eaſe and refreſhment to all the Proteſtants in Europe, *which were unreaſonable, if he did now execute the rigour of his Laws againſt the Roman Catholicks.*

Our Viperous Countrey-men, the Engliſh Jeſuits in France, *had many moneths before the favour granted, invited the French King, by writing a malicious Book, to put all the Statutes in execution againſt the Proteſtants in thoſe parts, which were enacted in* England *againſt the Papiſts, and (as they falſly informed) ſeverely executed. Beſides, theſe Papiſts are no otherwiſe out of Priſon, than with their Shackles about their heels, ſufficient Sureties, and good Recognizances, to preſent themſelves at the next Aſſizes; and their own demeanor, and the ſucceſs of his Majeſty's Negotiations muſt determine, whether they ſhall continue in this grace.*

But to conclude, from the favour done to the Engliſh Papiſts, that the King favours the Romiſh Religion, is a compoſition of Folly and Malice, little deſerved by a gracious Prince, who by Word, Writing, Exerciſe of Religion, and Acts of Parliament, hath demonſtrated himſelf ſo reſolved a Proteſtant.

As for his own Letter to the Judges, he ſaid, it recited onely four kinds of Recuſancy, capable of the King's clemency, not ſo much to include them, as to exclude many other Crimes, bearing the name of Recuſancy, as, uſing the Function of a Romiſh Prieſt, ſeducing the King's Liege people from the eſtabliſhed Religion, aſperſing the King, Church, or State, or the preſent Government.

All which Offences, being outward practices, and no ſecret motions of the Conſcience, are adjudged, by the Law of England, *to be meerly Civil and Political, and are excluded by the Letter from the benefit of thoſe Writs.*

But

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But becauſe the Peoples Mouths were open, and ſome Preachers were too buſie, and the *Puritan* party increaſed, the King gave directions for the regulation of the Miniſtry, in his Letter to the Lord Archbiſhop of *Canterbury*.

The King's Letter to the Archbiſhop for regulating the Clergy.

MOſt Reverend Father in God, Right truſty and intirely beloved Counſellor, we greet you well. Foraſmuch as the abuſes and extravagancies of Preachers in the Pulpit, have been in all times ſuppreſſed in this Realm by ſome Act of Council, or State, with the advice and reſolution of grave and learned Prelates; inſomuch that the very licenſing of Preachers had the beginning by an Order of Star-Chamber, the Eighth day of July, *in the Nineteenth Year of the Reign of King* Henry *the Eighth, our Noble Predeceſſor: And whereas at this preſent, divers young Students, by reading of late Writers, and ungrounded Divines, do broach many times unprofitable, unſound, ſeditious, and dangerous Doctrines, to the ſcandal of the Church, and diſquiet of the State and preſent Government: We, upon humble repreſentation unto us of theſe inconveniencies by your ſelf, and ſundry other grave and reverend Prelates of this Church, as alſo of our Princely care and zeal for the extirpation of Schiſm and Diſſention growing from theſe Seeds, and for the ſetling of a Religious and Peaceable Government, both in Church and Commonwealth, do by theſe our ſpecial Letters, ſtraitly charge and command you, to uſe all poſſible care and diligence, that theſe Limitations and Cautions herewith ſent unto you, concerning Preachers, be duly and ſtrictly from henceforth put in practice, and obſerved by the ſeveral Biſhops within your Juriſdiction. And to this end our pleaſure is, that you ſend them forthwith Copies of theſe Directions, to be by them ſpeedily ſent and communicated unto every Parſon, Vicar, Curate, Lecturer, and Miniſter, in every Cathedral or Pariſh Church, within their ſeveral Dioceſſes; and that you earneſtly require them, to employ their utmoſt endeavours in the performance of this ſo important a buſineſs; letting them know, that we have a ſpecial eye unto their proceedings, and expect a ſtrict accompt thereof, both from you and every of them. And theſe our Letters ſhall be your ſufficient Warrant and diſcharge in that behalf.*

Given under our Signet at our Caſtle of Windſor, *&c.*

Directions concerning Preachers, ſent with the Letter.

Directions concerning Preachers.

I. "THat no Preacher, under the Degree and Calling of a Biſhop or "Dean of a Cathedral, or Collegiate Church (and they upon "the King's days, and ſet Feſtivals) do take occaſion, by the ex- "pounding of any Text of Scripture vvhatſoever, to fall into any ſet diſ- "courſe, or common place, otherwiſe than by opening the Coherence "and Diviſion of the Text; vvhich ſhall not be comprehended and vvar- "ranted in Eſſence, Subſtance, Effect, or Natural Inference, vvithin ſome "one of the *Articles* of Religion, ſet forth, One thouſand five hundred "ſixty and tvvo; or in ſome of the *Homilies*, ſet forth by Authority of "the Church of *England*: Not onely for a help for the Non-preaching, "but vvithall for a pattern and boundary (as it vvere) for the Preaching "Miniſters. And for their further Inſtructions for the performance here- "of, that they forthvvith read over and peruſe diligently the ſaid Book "of *Articles*, and the tvvo Books of *Homilies*.

II. "That

II. "That no Parſon, Vicar, Curate, or Lecturer, ſhall preach any "Sermon or Collation hereafter, upon *Sundays* and Hollidays in the "Afternoon, in any Cathedral or Pariſh Church throughout the King- "dom, but upon ſome part of the Catechiſm, or ſome Text taken out "of the Creed, Ten Commandments, or the Lord's Prayer, (Funeral Ser- "mons onely excepted.) And that thoſe Preachers be moſt encouraged, "and approved of, who ſpend the Afternoon's Exerciſe in the Examina- A "tion of Children in their Catechiſm, which is the moſt ancient and lau- "dable cuſtom of Teaching in the Church of *England*.

III. "That no Preacher of what Title ſoever, under the Degree of "a Biſhop, or Dean at the leaſt, do from henceforth preſume to preach "in any popular Auditory the deep Points of Predeſtination, Election, "Reprobation, or of the Univerſality, Efficacy, Reſiſtibility, or Irre- "ſiſtibility of God's Grace; but leave thoſe Themes rather to be "handled by the Learned Men, and that Moderately and Modeſtly B "by way of Uſe and Application, rather then by way of Poſitive "Doctrines, being fitter for the Schools, then for ſimple Audi- "tories.

IV. "That no Preacher, of what Title or Denomination ſoever, "from henceforth, ſhall preſume in any Auditory within this Kingdom, "to declare, limit, or bound out, by way of Poſitive Doctrine, in any "Lecture or Sermon, the Power, Prerogative, and Juriſdiction, Au- "thority or Duty of Sovereign Princes, or otherwiſe meddle with C "matters of State, and the differences between Princes and the Peo- "ple, than as they are inſtructed and preſidented in the Homilies of "Obedience, and the reſt of the Homilies and Articles of Religion, "ſet forth (as before is mentioned) by publick Authority; but ra- "ther confine themſelves wholly to thoſe two Heads of Faith and "Good Life, which are all the ſubject of the Ancient Sermons and "Homilies.

V. "That no Preacher, of what Title or Denomination ſoever, D "ſhall preſume cauſleſly, or without invitation from the Text, to "fall into bitter Invectives, and undecent railing Speeches againſt the "Perſons of either *Papiſts* or *Puritans*; but modeſtly and gravely, when "they are occaſioned thereunto by the Text of Scripture, free both the "Doctrine and the Diſcipline of the Church of *England* from the aſper- "ſions of either Adverſary; eſpecially where the Auditory is ſuſpected to "be tainted with the one or the other infection.

VI. "Laſtly, That the Archbiſhops and Biſhops of the Kingdom E "(whom his Majeſty hath good cauſe to blame for their former remiſ- "neſs) be more wary and choice in their Licencing of Preachers, and "revoke all Grants made to any Chancellor, Official, or Commiſſary, "to paſs Licences in this kind: And that all the Lecturers throughout "the Kingdom of *England* (a new body ſevered from the ancient "Clergy, as being neither Parſons, Vicars, nor Curates) be Licenced "henceforward in the Court of Faculties, by Recommendation of the "party, from the Biſhop of the Dioceſs, under his Hand and Seal, with a F "*Fiat* from the Lord Archbiſhop of *Canterbury*, a Confirmation under "the Great Seal of *England*. And that ſuch as do tranſgreſs any one of "theſe Directions, be ſuſpended by the Biſhop of the Dioceſs, or in his "default, by the Archbiſhop of the Province, *Ab officio & beneficio*, for "a Year and a day, until his Majeſty, by the advice of the next Convocati- "on, ſhall preſcribe ſome further puniſhment.

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The new King of *Spain*, *Philip* the Fourth, procures the Popes aſſent to the Match.

Theſe Directions were warily communicated by the Archbiſhop of *Canterbury* to the Biſhops within his Province.

The King loſt no time in purſuing the Match with *Spain*; but the Diſpenſation from *Rome*, which was the Key of the buſineſs, had long lain in a kind of Dead-palſie, till the new King of *Spain* had, by a Letter, quickened the Pope: Whereupon there enſued a Congregation of Cardinals to determine the matter, and afterwardes the Pope's aſſent: And then the Court of *Spain* declared ſuch an entire Agreement for the Alliance with *England*, that King *James* was ſatisfied, and could expect no further difficulty. A

The *Infanta* cools in the *Palſgrave*'s buſineſs.

But his intelligence from *Bruxels*, and all other parts of the World, did quickly cool, and almoſt quench his hopes. Sir *Richard Weſton* was a man approved by *Gondomar*, who commended the King's wiſdom in the Election of ſo fit a Miniſter for the Treaty at *Bruxels*; yet the man ſo well diſpoſed, and ſuited to the King's deſigns, wrote deſperate Letters of the *Infanta*'s cold and unworthy manner of Treating in that important buſineſs of reſtoring the *Palſgrave*. B

The pretended Obſtacles of the Treaty removed.

Whilſt the King of *England*'s proceedings were ſo juſt and clear, the Count *Palatine* was retired to *Sedan*, and there ſojourned with his Uncle the Duke of *Bovillon* and his Partizans; Duke *Chriſtian* of *Brunſwick*, and Count *Mansfeld*, the ptetended Obſtacles of the Treaty, were removed, and had taken another courſe. *Mansfeld* went for *Holland*, where the States intended to uſe him for the raiſing of the Siege of *Bergen*, by cutting off the Convoys between *Antwerp* and the Spaniſh Leaguer: And King *James* had lately offered, that in caſe the forces of *Mansfeld* and *Brunſwick* would not reſt, but ſtill perturb the Treaty, he would joyn with the Emperor and the Arch-dutcheſs to quiet them: And the Engliſh Companies in the *Palatinate*, being penned up in Garriſons, could not cauſe diſturbance. C

Heidelburg beſieged.

In the mean while, that miſerable Countrey was burnt and ſacked, in the ſight of the *Engliſh* Ambaſſador. And now the Imperial and Bavarian Forces fall to the beſieging of *Heidelburgh*. D

When the Ambaſſador, at *Bruxels*, complained of theſe proceedings, he received frivolous Anſwers, mixed with Recriminations. All that *Weſton* obtained, was, onely Letters of intreaty from the Infanta to the Emperor's Generals, to proceed no farther, though ſhe had before acknowledged a full power from the Emperor to conclude the deſired Ceſſation: But they pretended that they would reſtore all when all was taken.

For this cauſe, Sir *Richard Weſton* acquainted the Marqueſs of *Buckingham*, that he could not diſcern how the weak hopes given him at *Bruxels*, could agree with the ſtrong aſſurances given by the Lord *Digby* from the Court of *Spain*. E

Moreover, to protract the *Palſgrave*'s buſineſs, the Emperor takes occaſion to appoint a Dyet at *Ratisbone*, contrary to his own promiſe, as himſelf acknowledged.

New Conditions demanded of the King, before the Pope gives a Diſpenſation.

Mr. *Gage* returned from *Rome*, with no better fruit of his Agency; for the Diſpenſation cannot paſs, till the King give ſatisfaction to a number of new Conditions, which before were never dreamed of, and had this miſchief in them, to bring the King in jealouſie with the greateſt part of his Subjects. A piece of Jugling was obſerved in this Negotiation: For ſome points of larger Indulgence, whereunto King *James* had yielded, were concealed from the Pope by the Miniſters of the King of *Spain*. F

The

The Court then deviſed to put a good face upon an ill Game, and good Sauce to an unſavoury Diſh: For all the world expecting that *Gage* ſhould bring the Diſpenſation at his firſt arrival, they made him give out, That it was paſſed in *Rome*, and ſent from thence to *Spain*.

But the King made a cloſe purſuit, and reſolved they ſhould not eſcape him. The Popes demands ſuperadded to the Articles of Marriage were taken in hand, and Reſolutions were given upon them in
A manner following.

To the demand of a publick Church in *London*, beſides a Domeſtick Chappel, aſſigned to the *Infanta* and her Family, the King made Reply, The Kings Anſwer to the ſaid Demands.

That it was more than was aſſumed by himſelf, or his Son the Prince; That the Chappel allowed was not a private Oratory, but, in effect, a Church, where the World might take notice of the Religion which the *Infanta* profeſſed in publick manner.

B To another demand, That the Superior Miniſter having Eccleſiaſtical Authority, be in *Ordine Epiſcopali*; he anſwered, That he would leave it to the King of *Spain* to appoint as he ſhall judge expedient.

But whereas the Pope required, That the Eccleſiaſticks be ſubject to no Laws, but of their own Eccleſiaſtical Superiors; his anſwer was, That exemption ſeemed ſtrange, as not allowed in all States and Countreys that were of the *Roman* Religion.

As for the Education of the Children under the Mother's govern-
C ment; Let the King of *Spain* Judge indifferently (ſaid the King) how unfit it were for us to declare to the world, that we engaged our ſelf to permit our Grand-children to be brought up unto years of Marriage, in a Religion which we profeſs not, and which is not publickly profeſſed in our Kingdom. And further than we have already aſſented in general, to leave the Children under the Mother's tuition for a longer or ſhorter time, according to their conſtitution and health, (which may poſſibly reach unto the time required by the Pope) we can by no means con-
D deſcend, unleſs the King of *Spain* think it fit to limit the time to a certainty.

And whereas the Pope expected ſome larger offers, for the general good of the *Roman* Church; the King ſhewed, That the Articles of Religion, agreed upon between himſelf and the late King of *Spain*, were accounted ſo ſatisfactory in the judgment of the Learned'ſt and Greateſt Clergy of *Spain*, that they declared their opinion, That upon the offer of ſuch Conditions, the Pope ought not to with-hold the Diſpenſation.

E And he ſaid further, That the Pope was ſatisfied, that he of his own Authority could not grant a general Liberty of exerciſing the *Roman* Religion; And what is it that they would have? For ſetting that aſide, he had in a manner done already all that was deſired, as all the *Roman* Catholicks have found, out of his gracious clemency towards them, and will no doubt acknowledge.

This reſolution the King ſent into *Spain*, (for he would not ſeem to treat with *Rome*) and therewith this Letter to the Lord *Digby*, now
F made Earl of *Briſtol*.

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Right Trusty and Well-beloved,

The King sends his resolution to *Digby* in *Spain* now made Earl of *Bristoll*.

OUR pleasure is, that immediately you crave Audience of that King, and represent unto him the merit that we may justly challenge to our self, for our sincere proceedings with the Emperor and him: Notwithstanding the many Invitations and Temptations we have had to engage our self on our Son in Law's part. That we have both from the Emperor, and from him, hopes given us from time to time of extraordinary respect, (howsoever our Son in Law had deserved) which we have attended and expected, even to the last, with much patience, and in despight, as it were, of all opposition, which might shake our resolution in that behalf: If now, when all Impediments are removed, and the way is so prepared, as that the Emperor may give an end unto the War, and make some present Demonstration of his respect towards us, in leaving us the honour of holding those poor Places, which yet remain quietly and peaceably, until the general Accomodation, the same shall nevertheless be violently taken from us; what can we look for, if the whole shall be in his hands and possession? who amusing us with a Treaty of Cessation, and protracting it industriously (as we have reason to believe) doth in the mean time seize himself of the whole Countrey? Which being done, our Ambassador shall return with scorn, and we remain in dishonour: And therefore, as we have heretofore sundry times promised, in testimony of the sincerity of our proceedings, and of our great desire to preserve the Amity inviolable between us and the whole House of Austria; *that in case our Son in Law would not be governed by us, that then we would not onely forsake him, but take part and joyn our Forces with the Emperor's against him. So you may fairly represent unto that King, That in like manner we have reason to expect the same measure from him: That upon the Emperor's averseness to a Cessation, and Accomodation, he will likewise actually assist us for the recovery of the* Palatinate, *and Electoral Dignity to our Son in Law, as it hath been oftentimes intimated from* Spain. *Yet our meaning is, to carry all things fair with that King, and not to give him any cause of distrust or jealousie, if you perceive that they intend to go really and roundly on with the Match: Wherein, nevertheless, we must tell you, That we have no great cause to be well pleased with the diligence used on that part, when we observe, that after so long an expectance of the Dispensation, upon which the whole business, as they will have it, depends, there is nothing yet returned but Queries and Objections.*

We have thought fit to let you know, how far we are pleased to enlarge our self concerning those points demanded by the Pope: And further than that, since we cannot go without much prejudice, inconvenience, and dishonour to our Self, and our Son; we hope and expect, that the King of Spain *will bring it instantly to an issue, without further delay, which you are to press with all diligence and earnestness: But if respite of time be earnestly demanded, and that you perceive it not possible for them to resolve, until an answer come from* Rome, *We then think it fit, that you give them two moneths time after your Audience, that we may understand that Kings final Resolutions before* Christmas *next at the furthest.*

Likewise the *Conde Gondomar*, who was lately called home, is roused, by a Letter from *England*, on this manner.

"Here

20 *Jacobi.*

"HEre is a King, and a Prince and a faithful Friend and Servant, "*Buckingham*, beſides a number of other Friends, to whom every "day ſeems a year, till the Match be accompliſhed; all things are pre- "pared on our parts, Prieſts and Recuſants are at liberty, and the Priſons "are filled with zealous Miniſters: Orders are publiſhed for the Univer- "ſities and Pulpits, that none ſhall hereafter be medling, but that all A "preach Chriſt crucified.

"His Majeſty never looked to the riſing or falling hopes of his Son "in Laws fortunes, but kept in the ſame courſe that ſeems moſt agree- "able to Honour and Juſtice, and the peace of Chriſtendom. And *Gondo-* "*mar* did beſeech the King, to ſuffer himſelf once to be deceived by *Spain*, "and promiſed, when the Match was firſt moved, and the King per- "ſwaded to break with *France*. That he ſhould be preſt to nothing, but "what might ſtand with Conſcience and Honour, and the love of his B "people.

"And whereas the Pope would know what *Bonum Publicum* will be "granted, we remit it to your Conſcience, whether the favours daily "granted to Catholicks, which the King reſolves to continue, if not to "increaſe, be not a real publick good, conſidering if the Match break "off, his Majeſty will be importunately urged by his people, to whoſe "aſſiſtance he muſt needs have recourſe, to give life and execution to all "Penal Laws, now hanging over the heads of Catholicks.

Likewiſe a Letter was ſent to *Gondomar*, newly recalled into *Spain*.

C

According to the King's direction, the Earl of *Briſtol* preſented a Memorial to the King of *Spain*, and from him and his Maſters received this return:

The Anſwer to the Memorial preſented by the Earl of *Briſtoll* to the Spaniſh King.

"That for the accompliſhing of the Match on their part, there ſhould "not one day be loſt; for the diſpatch thereof imported them no leſs than "the King of *Great Britain*: and for the *Palatinate*, they will ſeek his in- "tire ſatisfaction, and they refer it to his own juſt judgment, whether D "their Forces were called out of the *Palatinate* with an evil intention, "or meerly for the defence of *Flanders*, which otherwiſe had been put in "great hazard by Count *Mansfeld:* That the beſieging of *Heidelburgh* "was no way by their conſent, or knowledge, but was generally diſap- "proved by them. And if it ſhould be taken, and the Emperor refuſe to "reſtore it, or to condeſcend to ſuch Accomodation as ſhould be ad- "judged reaſonable, the King of *Great Britain* ſhall be infallibly aſſiſted "with the Arms of *Spain*, for the reſtoring of the *Palatine*.

Briſtol gives the King hope of the Match.

E And, as concerning the Match, *Briſtol* ſeemed ſo confident, as to de- clare to the King his Maſter, "That he ſhould not willingly give his "Majeſty hope upon uncertain grounds, ſo he would not conceal what "the Spaniſh Court profeſſed, which was, to give his Majeſty both real "and ſpeedy ſatisfaction. And he affirmed, if they intended it not, they "were falſer than all the Devils in hell, for deeper Oaths and Proteſtati- "ons of Sincerity could not be made.

Heidelburgh taken.

F But in the mean while, the Town and Caſtle of *Heidelburgh* were taken, and the Engliſh Companies put to the Sword, and Sir *Edward Herbert*, the Governour, was ſlain, after he had broken four Pikes in charging the Enemy. The beſieging of *Manheim*, and the blocking of *Frankendale*, followed the loſs of *Heidelburgh*.

The King provoked, ſends his former reſolutions, with a new diſpatch, into *Spain*.

King *James* provoked by the continual progreſs of theſe indignities, was impatient of ſtaying for a reply from *Spain* to his former Letters, but

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but ſeconded thoſe reſolutions with a vehement new diſpatch, the Third of *October*, in a peremptory ſtyle, as it well became him; commanding the Earl of *Briſtol* to let that King underſtand, how ſenſible he was of the Emperors proceedings towards him; and withall, not a little troubled to ſee, that the *Infanta* at *Bruxels*, having an abſolute Commiſſion from the Emperor, to conclude a Ceſſation and Suſpenſion of Arms, ſhould now at laſt, when all Objections were anſwered, and the former ſolely pretended Obſtacles removed, not onely delay the Concluſion of the Treaty, but refuſe to lay her Commands upon the Emperor's Generals, for abſtaining from the Garriſons during the Treaty, upon a pretext of want of Authority: So as for the avoiding of further diſhonour, he hath been forced to recall both his Ambaſſadors, as well the Chancellor of his Exchequer from *Bruxels*, as alſo the Lord *Chicheſter*, whom he intended to have ſent unto the Emperor to the Dyet at *Ratisbone*. A

He further enjoyned his Ambaſſador, that having delivered his ſence of things, he ſhould demand of the King of *Spain* a promiſe under his Hand and Seal, that the Town and Caſtle of *Heidelburgh* ſhall be delivered to the *Palatine* within ſeventy days after the Audience, and the like for *Manheim* and *Frankendale*, if they be taken. That within the ſaid term of Seventy days, a Suſpenſion of Arms in the *Palatinate* be concluded upon the Conditions laſt propounded by Sir *Richard Weſton* at *Bruxels*; and that a General Treaty ſhall be again ſet on foot upon ſuch honourable terms, as were tendred to the Emperor in *November* laſt. But if theſe particulars be refuſed or delayed by the Emperor, that the King of *Spain* ſhall joyn Forces with the King of *Great Britain*, for the recovery of his Childrens Honours and Patrimony. And if he cannot give aſſiſtance, that he will at leaſt allow him a free and friendly paſſage through his Territories, for the Forces to be employed in that ſervice. B C

Of theſe points diſtinctly, if the Ambaſſador ſhould not receive a direct aſſurance, he was to take his leave of that King, and to return into his Maſters preſence. But the King annexed this private Inſtruction, That in caſe a Rupture happened, it might be managed to the beſt advantage. Wherefore he ſhould not inſtantly come away, but ſend him ſecret Intelligence, and in publick give out the contrary. D

In the mean time *Manheim* is taken.

Immediately upon theſe demands, an Order was ſent from *Spain* to *Bruxels*, for the relief of *Manheim*, but it came too late; for before the arrival thereof, the Town was yielded into the hands of *Tilly*: But had it come in ſeaſon, the effect thereof might be gueſſed by *Tilly*'s reaſons, preſented to the Archdutcheſs, againſt raiſing the Siege of *Manheim*, and the reſtoring of *Heidelburgh*, to this purpoſe; E

That he could not do it without the Emperour's expreſs conſent, and that the winning of *Manheim* was to be haſtned, to prevent the machinations of evil Neighbours, who were plotting new Commotions in favour of the Count *Palatine*, and eſpecially to obviate the deſigns of Count *Mansfeld*.

And laſtly, That the Emperor and the Catholick League, having ſetled all *Germany*, might give the Law to their oppoſites, and ſettle a Peace upon their own terms. F

The Emperor's intentions to King *James*, not good.

How little the Emperor attributed to the Kings Humanity, and upright dealing, which he applauded in ſhew, might be diſcerned by ſure advertiſements of his purpoſe, to propound in the Dyet at *Ratisbone*, his promiſe of tranſlating the *Palatine* Electorate to the Duke of *Bavaria*, as a thing irrevocable.

More-

20 *Jacobi.*

Moreover, the King of *Spain*, the Fifth of *November*, 1622. in the height of thoſe profeſſions made to the *Engliſh* Ambaſſador, touching the Marriage, wrote on this manner to his grand Favourite the *Conde Olivares.*

Nor the King of *Spain*'s, witneſs his Letter to *Conde Olivares.*

A *THe King my Father declared at his death, that his intent never was to Marry my Siſter, the* Infanta Donna Maria *with the Prince of* Wales; *which your Uncle* Don Balthazar *underſtood, and ſo treated this Match ever with intention to delay it. Notwithſtanding, it is now ſo far advanced, that conſidering all the averſeneſs unto it of the* Infanta, *it is time to ſeek ſome means to divert the Treaty, which I would have you find out, and I will make it good whatſoever it be. But in all other things, procure the ſatisfaction of the King of* Great Britain, *(who hath deſerved much) and it ſhall content me, ſo that it be not in the Match.*

B *Olivares* wrote a Letter deliberative, the Eighth of *November*, 1622. and propounded an Expedient to the King of *Spain*, in theſe words.

Olivares Anſwer.

C *SIR, Conſidering in what eſtate we find the Treaty of Marriage between* Spain *and* England, *and knowing certainly how the Miniſters did underſtand this buſineſs, that treated in the time of* Philip *the Third, that is in Heaven, that their meaning was never to effect it, but by enlarging the Treaties and Points of the ſaid Marriage, to make uſe of the Friendſhip of the King of* Great Britain, *as well in matters of* Germany, *as thoſe of* Flanders: *And imagining likewiſe, that your Majeſty is of the ſame opinion (though the Demonſtration do not ſhew ſo;) joyning to theſe Suppoſitions, that it is certain the* Infanta Donna Maria *is reſolved to put her ſelf into a Monaſtery the ſame day that your Majeſty ſhall preſs her to this Marriage: I have thought fit to repreſent unto your Majeſty, that which my good zeal hath offered me in this occaſion, thinking it a good time to acquaint your Majeſty withall, to the end you may reſolve of that which you ſhall find moſt convenient, with the advice of*

D *thoſe Miniſters you ſhall think fit to make choice of.*

The King of Great Britain *doth find himſelf at this time equally engaged in two buſineſſes; the one is this Marriage, to which he is moved by the conveniencies he finds in your* Majeſty's *friendſhip, by making an Agreement with thoſe Catholicks, that he thinks are ſecretly in his Kingdom; and, by this, to aſſure himſelf of them, as likewiſe to Marry his Son to one of the Houſe of* Auſtria; *knowing, that the* Infanta Donna Maria *is the beſt Born Lady in the World. The other buſineſs is, the reſtitution of the* Palatinate, *in which he is more en-*

E *gaged; for beſide that his Reputation is at ſtake, there is added the love and intereſt of his Grand-children, Sons of his onely Daughter: So that both by the Law of Nature, and Reaſon of State, he ought to put that forward, what ever inconveniencies might follow by diſſembling what they ſuffer.*

I do not diſpute, whether the King of Great Britain *be governed, in this buſineſs of the* Palatinate, *by Act or Friendſhip; I think a man might ſay, he uſeth both; but as a thing not preciſely neceſſary to this Diſcourſe, I omit it. I*

F *hold it for a Maxim, that theſe two Engagements in which he finds himſelf, are inſeparable; for although the* Marriage *be made, we muſt fail of that which in my way of underſtanding is moſt neceſſary, The reſtitution of the* Palatinate.

This being ſuppoſed, having made this Marriage *in that form as it is treated, your* Majeſty *ſhall find your ſelf, together with the King of* Great Britain, *engaged in a War againſt the Emperor and the Catholick League; A thing which to hear, will offend your godly ears: or declaring your ſelf for the Emperor,*

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Emperor, and the Catholick League, as certainly your Majesty will do; then you will find your self engaged in a War against the King of England, *and your Sister married with his Son; with the which, all whatsoever reasons of conveniency that were thought upon in this* Marriage, *do cease. If your* Majesty *shall shew your self Neutral, as it may be some will propound; That, first, will cause very great scandal; and with just reason, since in matters of less opposition than of Catholicks against Hereticks, the Arms of this Crown have taken the godly part, against the contrary party: and at this time the French-men fomenting the* Hollanders *against your* Majesty, *your piety hath been such, that you have sent your Arms against the Rebels of that Crown, leaving all the great considerations of State, onely because these men are Enemies to the Faith, and the Church.* A

It will oblige your Majesty, *and give occasion to those of the League to make use of the King of* France, *and of other Catholick Princes, ill-affected to this Crown; for it will be a thing necessary for them to do so: And those even against their own Religion, will foment and assist the* Hereticks *for hatred to us. Without doubt they will follow the other party, onely to leave your* Majesty *with that Blemish, which never hath befallen any King of these Dominions. The King of* England *will remain offended and enraged, seeing that neither interest, nor helps do follow the Alliance with this Crown; as likewise with pretext of particular resentment, for having suffered his Daughter and Grand-children to be ruined for respect of the said Alliance.* B

The Emperor, though he be well-affected, and obliged to us in making the Translation at this time, as business now stands, (the Duke of Bavaria *being possessed of all the Dominions) although he would dispose all according to our Conveniencies, it will not be in his power to do it, as your* Majesty, *and every body may judge. And the Memorial that the Emperor's Ambassador gave your Majesty yesterday, makes it certain, since in the List of the Soldiers that every one of our League is to pay, he sheweth your Majesty, that* Bavaria *for himself alone, will pay more than all the rest joyned together; the which doth shew his power and intention, which is not to accommodate matters, but to keep to himself, the Superiority of all in this broken time, the Emperor is now in the Dyet, and the Translation is to be made in it.* C D

The Proposition in this estate, is, by considering the means for a Conference, which your Majesty's Ministers will do with their Capacities, Zeal and Wisdom; and it is certain, they will herein have enough to do: For the difficulty consists to find a way to make the present estate of affairs streight again, which with lingring, as it is said, both the power and time will be lost. I suppose the Emperor, as your Majesty *knoweth by his Ambassador, desires to marry his Daughter with the King of* England's *Son. I do not doubt but he will be likewise glad to marry his second Daughter with the* Palatine's *Son. Then I propound, that these two* Marriages *be made, and that they be set on foot presently, giving the King of* England *full satisfaction in all his propositions, for the more strict Union and Correspondency, that he may agree to it. I hold for certain, that all the Conveniencies that would have followed the Alliance with us, will be as full in this: And the Conveniencies in the great Engagement are more by this; for it doth accommodate the matter of the* Palatinate, *and Succession of his Grand-children with honour, and without drawing a Sword, and wasting Treasure. With this Interest, the Emperor, with the Conveniencies of the King of* England *and the* Palatinate, *the onely means in my way of understanding, to hinder those great dangers that do threaten, may accommodate the business, and not sever himself from the Conveniencies and Engagements of* Bavaria; *and after I would reduce the Prince Elector, that was an Enemy, to the obedience of the Church, by Breeding his Sons in the Emperor's Court with Catholick Doctrine.* E F

The

The Buſineſs is great, the Difficulties greater perchance than have been in any other caſe. I have found my ſelf obliged to preſent this unto your Majeſty; and ſhall ſhew, if you command me, what I think fit for the diſpoſing of the things, and of the great Miniſter which your Majeſty hath. I hope, with the particular Notes of theſe things, and all being helped with the good zeal of the Conde Gondemar, *it may be, God will open a way to it, a thing ſo much for his, and your Majeſties ſervice.*

Such Conſultations had the Catholick King in his Cabinet-Council, whilſt he pretended ſo much zeal to a Cloſure with *England*: Inſomuch that King *James* profeſſed to have taken great contentment in the Diſpatches of the Earl of *Briſtol*, as full and ſatisfactory. And though the Order ſent to the Archdutcheſs for the Relief of *Anheim* arrived too late, yet he acknowledged it to be an argument of that Kings ſincere intentions.

But the Kings hopes were ſtill deferred, and theſe Delayes were palliated by the ſtop of the Diſpenſation, till the Pope were further ſatisfied in the time of the Childrens Education under the Mothers government, and the exemption of Eccleſiaſtical perſons from all ſecular Juriſdiction. And the *Spaniards* did not ſpare to ſtretch the Kings ductile ſpirit: For he was willing to ſtand obliged by a private Letter, that the Children ſhould be kept under the Mothers wing till the Age of Nine Years; but he deſired for Honours ſake, that no more than Seven might be expreſt in the Publick Articles.

But this Enlargement would not ſatisfie; he muſt come up to the allowance of Ten Years, which was the loweſt of all to be expected; and ſo he was brought at length to wave his Honour, and to inſure this Conceſſion by a publick Ratification. And for the Exemption of Eccleſiaſticks from the Secular power, thus far he yielded, That the Eccleſiaſtical Superior do take notice of the offence that ſhall be committed, and acccording to the merit thereof, either by Degradation deliver him to ſecular Juſtice, or baniſh him the Kingdom.

Briſtol's importunate Negotiation procur'd this Anſwer from the King of *Spain*. Firſt, touching the Marriage, being deſirous to overcome all difficulties that might hinder this Union, he had endevoured to conform himſelf with the Reſolution given by the King of *Great Britain* to the Popes Propoſition, and had diſpatched a Poſt to *Rome*; that his Holineſs judging what hath been here concluded, and held ſufficient, might grant the Diſpenſation, which he engageth to procure within three or four Months at the fartheſt: and in the interim, that no time be loſt, the remaining Temporal Articles ſhall be Treated and concluded,

Briſtol's Anſwer from the King of *Spain*.

As touching the *Palatinate*, by his late Diſpatches into *Flanders*, due courſe is taken to ſettle all things as may be deſired: But untill it be known what effects the ſame hath wrought, and what the Emperor will reply, no anſwer can be given in writing to the Particulars contained in the Ambaſſadors Memorial.

Moreover, the Popes Demands, to which King *James* took exceptions, being now accommodated by the King of *Spain*, were ſent into *England*, and preſently ſigned by the King and Prince, without the change of a word.

The Popes Demands ſigned by the King and Prince.

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King *James* having ſtrong aſſurance that the Diſpenſation muſt needs be granted ſpeedily, appointed his Agent *Gage*, who was now again at *Rome*, to preſent to the Pope and certain Cardinals thoſe Letters which lay in his hand, to be delivered at a fit ſeaſon. The Kings Letter to the Pope, gave him the ſtile of *Moſt Holy Father*. Likewiſe he directed the Earl of *Briſtol* to proceed to the Temporal Articles, and to conſummate the whole buſineſs.

Frankendale block'd up by *Papenheim.*

But while the King had ſo much zeal and confidence in his Applications to *Spain* and *Rome*, the *Palatinate* is left at random, upon the *Spaniards* looſe and general promiſes. For Colonel *Papenheim* had block'd up *Frankendale*, the onely Hold whereby the *Palſgrave* kept a footing in his ruined Country. The Imperialiſts laughed to think that the *Engliſh* Garriſon ſhould expect relief by the Orders ſent from *Spain* to *Bruxels*. And when the King had made an offer to ſequeſter the Town of *Frankendale* into the *Infanta*'s hands, upon the ſame aſſurance from her which her ſelf had offered before the loſs of *Manheim*, which was to reſtore the place, whether a peace with the Emperor or a rupture followeth, ſhe was fallen away from that propoſition, and would accept the ſequeſtration onely upon a ſimple truſt to render it again at the expiration of eighteen Months.

The King writes to *Briſtol.*

In this ſtate of affairs the King wrote thus to his Ambaſſador in the *Spaniſh* Court. *Concerning the unfortunate knotty affair of the* Palatinate *to ſay the truth, as things now ſtand, we cannot tell what you could have done more than you have already done.* Moreover he ſhewed, that the reaſon of his late preremptory Inſtructions concerning a direct promiſe of Reſtitution, was the groſs delay at *Bruxels* while *Heidelbourgh* was taken, and *Manheim* beleagured: as alſo *Gage*'s coming from *Rome*, and inſtead of the diſpenſation, preſenting him with new demands to engage him in a Diſpute of Treaty with the Pope, which he ſaid he never intended. Wherefore at the inſtance and perſwaſion of his Council he was moved to urge the matter ſo, as to bring it to a ſudden period: Not but that the preciſeſt of them were alwayes of opinion, That if the Match were once concluded, the other buſineſs would be accommodated to his ſatisfaction. Then was the Ambaſſador required to ſtir up that King to uſe all effectual means for diverting the Tranſlation of the Electorate in the preſent Dyet: Likewiſe to make him an offer of *Frankendale* by way of ſequeſtration, upon condition of reſtoring it in the caſe as now it ſtands, whether the Peace ſucceed or not.

The *Electorate* conferred upon the Duke of *Bavaria* in the Dyet at *Ratisbone.*

But in the Dyet held at *Ratisbone*, the Emperor declared the *Palatine* to be the cauſe and ground work of all thoſe Wars and miſeries; and that the Electorate of this proſcribed Enemy being devolved into his hands, he had conferred it upon the Duke of *Bavaria*, who in this cauſe and ſervice had ſpent his Treaſure, and hazarded his blood againſt his own Nephew the *Palſgrave*.

The *Proteſtant* Princes plead for the *Palatine*'s reſtitution.

The Proteſtant Princes deſired the Emperor to conſider, That in ſo high a Cauſe as the diſpoſing of an Electorate, and ſo principal a Perſon in the Colledge of Electors, who uncited, unheard, and without all knowledge of the Cauſe hath been condemned, and againſt all Equity oppreſſed by the Publication of the *Ban*; His Imperial Majeſty ſhould not have proceeded ſo rigorouſly without the Advice and Conſent of the other Electors, as was agreed upon in the Capitulation Royal, and Fundamental Law of the Empire. And ſince the Dyet was called for reſtoring the Peace of the Empire, it were

20 *Jacobi.*

were neceſſary, in the firſt place, to remove the Obſtacles, thoſe extreme Executions in *Bohemia*, which may make that People deſperate, and which the *Lutheran* States, following the *Auguſtine* Confeſſion, have their Eyes upon. And though it be given out, that the ſeverity there exerciſed, is merely for private Juſtice; yet it is ſo linked with the publick Cauſe, that unleſs it be ſpeedily ended, and the two Churches in *Prague* again opened, and the free exerciſe of Religion permitted, they can ſee no ſure peace, but
A deſolation and ruine like to follow. And for the Prince *Palatine*, ſeeing he is already ſufficiently puniſhed, it were commendable in his Imperial Majeſty to reſtore him, upon ſubmiſſion, to his Lands and Dignities: otherwiſe there is no likelihood of reſtoring peace. And in transferring the Electorate, if it muſt be ſo, this main thing were to be conſidered, Whether the excluſion of the *Palſgrave*'s Perſon doth exclude his Children, who, by the providence of their Anceſtors, before this act of their Father, had an Hereditary right thereunto: Or, Whether that Prince's
B Brother, or other of the Kindred, who have no way offended, ſhould be in this caſe neglected This will be ill reſented by the other Electors and Princes Allied to the *Palatine*, who have been quiet hitherto, upon confidence of the Emperor's Clemency; but perceiving all hopes of recovering the Electoral Dignity to their Family taken away, muſt needs have recourſe to Arms. They further added, That the *Palatine* was young, and abuſed by evil Counſels, and no way the Author of the ſtirs in *Bohemia*. Wherefore they give their advice, That his reſtoring will
C quiet the otherwiſe endleſs troubles of the Empire, and for ever engage him, and all his Allies, and the whole Electoral Colledge, to his Imperial Majeſty.

The Catholick Princes anſwered, That the *Palatinate* being devolved upon the Emperor, he may beſtow it according to his own pleaſure; And that he cannot ſafely hold any terms of Amity with the *Palatine*: That the impunity of ſo great an Offender, will encourage others to offend: And as for by-paſt ſufferings, there hath been little difference be-
D tween his and the Emperor's, though the Cauſe were far different: And that *Mansfield* his General is yet in the Field, and proſecutes his Cauſe by force of Arms.

The Catholick Princes reply.

The other Party replied, That the ſecurity of the Imperial Dignity, and the ſafety of the Empire, conſiſted in the Concord between the Emperor and the Princes Electors; And if his Imperial Majeſty ſhall uſe this rigor, the Princes of *Lower Saxony* are of opinion, that there can be no peace eſtabliſhed: But this deſired Reconciliation will give the
E Emperor a quiet poſſeſſion of the Provinces recovered by the aid of the Electors and Princes; otherwiſe there is a fair pretenſion left for the renewing of the War, for that the *Palatine*'s Sons and Brother are paſſed by in the Tranſlation of the Elector; and the King of *Great Britain* cannot but take it ill, to ſee his endeavours produce no better effect, but that his onely Daughter and her Children are left in Exile.

The Proteſtants aſſume the Argument.

The Emperor takes up the
F *Ban* was publiſhed, he deſired nothing more, then that a Diet might be convoked; which being impeded by the proſecution of the War, he could not do leſs than publiſh this Proſcription to repreſs the *Palatine*; which ſome, that now diſpute it, did then declare to be legal and neceſſary: And this proſcribed Enemy he will not reſtore to the Electoral Dignity, nor yet defer to compleat the number of Electors.

debate.

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Sir *Dudley Carlton*, resident at the *Hague*, sends his judgment of the matter to the Marquis of *Buckingham*.

Thus have we good words from *Spain*, and miserable usage from all the rest of the House of *Austria*. Sir *Dudley Carlton*, Ambassador Resident at the *Hague*, assured the Marquis of *Buckingham*, that though the Spanish Ambassador *D' Ognat* in publick opposed the Emperor, in transferring the Electorate, yet the judgment generally made upon it, was this, That it was a meer Patelinage, with a secret understanding, to abuse King *James* his goodness. Likewise the Emperor, not content to have chased the *Palsgrave* out of *Germany*, in the Propositions of the former Diet, made this an Article, to make War upon the United Provinces, because (among other quarrels) they gave refuge to the expulsed *Palatine*. Nevertheless, King *James* resolved to wait upon the Match with *Spain*, as the onely means to consolidate these publick fractures in Christendom.

The Prince and the Marquis of *Buckingham* go to *Spain*.

And now, behold a strange Adventure and Enterprise! The Prince and the Marquis of *Buckingham*, accompanied with *Cottington* and *Endimion Porter*, post in disguise to *Spain*, to accelerate the Marriage. The 17 of *February* they went privately from Court, and the next day came to *Dover*, were they imbarqued for *Boloign*, and from thence rode Post to *Paris*, where they made some stop. The Prince, shadowed under a bushy Peruque, beheld the splendor of that Court, and had a full view of the Princess *Henrietta Maria*, who was afterwards his Royal Consort. For besides the great privacy of the Journey, they had so laid the *English* Ports, that none should follow, or give the least advertisement, until they had gotten the start of *Intelligencers*, and passed the bounds of *France*. Howbeit, they escaped narrowly, and a swift intelligence sent to the King of *Spain* from *Don Carlos Colonna* was even at their heels, before they arrived at *Madrid*.

Buckingham visits *Olivares*, and by him is conducted to the King.

The Prince and *Buckingham* being in the Territories of *Spain*, to make but little noise, rode post before their Company. The 7. of *March* they arrived at *Madrid*, the Royal Residence, and were conveyed with much secrecy into the Earl of *Bristol*'s House. The next Morning the Earl acquainted *Gondomar* with the arrival of the Marquis of *Buckingham*: *Olivares* sends immediately to desire leave to visit the Marquis, which was by no means permitted; but in the Evening the Marquis went privately, accompanied with the Earl of *Bristol*, Sir *Walter Aston*, and *Conde Gondomar*, and met this great *Conde* in a place near the Palace; and after some converse, was led by a back way into the King's Quarter, and had private audience of the King; who received him with extraordinary courtesies, and expressions of so great joy, that might signifie he was not ignorant of the Prince's arrival also: Insomuch that the *Conde Olivares* having procured the Kings leave, went back with the Marquis of *Buckingham*, and kissed the Prince's hands.

Orders for the Prince's entertainment.

After this, the King and State devise how to give his Highness the most honourable reception. Instantly they decree, That upon all occasions of meeting, he shall have the precedency of the King; That he shall make his entrance into the Royal Palace in that form of State, which is used by the Kings of *Spain* on the Day of their Coronation, and that one of the chief Quarters in the King's House shall be prepared for his Lodgings; That an hundred of the Guard attend him, and all the Council obey him as the King's own Person.

The common sort did magnifie this brave adventure, and express his welcome by shouts and acclamations of joy; and presently they marry him to the *Infanta*, as it were, by publick Voice. And the King, to please him

him with a ſight of his Miſtriſs, went abroad to viſit a Monaſtery, with the Queen, the *Infanta*, and his Brothers *Don Carlos* and the *Infant-Cardinal*: So that his Highneſs had the happineſs of a full view in ſeveral places.

The Prince ſees the *Infanta*;

The King in Perſon gave him ſeveral viſits, and forced him to take the hand and place of him. Divers Grandees, and prime Officers of State, came to preſent their ſervice, and as yet none did viſit him but by the King's ſpecial order. A General Pardon was publiſhed; the Priſons were opened, and hundreds of Offenders were ſet at liberty; and a late Proclamation againſt Exceſs in Apparel was revoked. Neither may we forget the King's ſtrain of Complement in the advancement of *Gondomar*, to whom he aſcribed his great contentment and honour received by his Highneſs's preſence; That he had made the *Conde* (whom he was pleaſed to term an *Engliſh-man*) one of his Council of State, to the end that his Highneſs might be confident of their proceedings, and privy to all their paſſages.

Is entertained honourably by the King.

Makes his entrance publickly into *Madrid*.

The Prince, on the day of publick Entrance, was attended in the Morning by the *Conde Gondomar*, and divers Counſellor's of State, to S. *Jerom*'s Monaſtery, the place whence the Kings of *Spain* are wont to make their ſolemn entrance into *Madrid* on the day of their Coronation: There the Prince was feaſted, and ſerved by divers great Officers of State, waiting bare-headed. After dinner, the King came to conduct his Highneſs through the Town to the Royal Palace, having prepared all things for the Solemnity in the greateſt magnificence and ſplendor.

The King ſetting the Prince on his right hand, they rode in great glory, under a Canopy of State, ſupported by the *Regidors* of the Town, who were arrayed in Cloth of Tiſſue: The Nobility and Grandees of *Spain* attended by their ſeveral Liveries, all very rich and coſtly, went before; And after came the Marquis of *Buckingham*, and the *Conde Olivares*, executing their places of Maſters of the Horſe; After them followed the Earl of *Briſtol* and Sir *Walter Aſton*, accompanied with divers Counſellors of State, and Gentlemen of the King's Chamber.

And being alighted at the Palace-gate, the King led the Prince to the Queen's Quarters, where having entred her Chamber, he was met and received by her with great reſpect, in manner becoming the ſtate of great Princes; three Royal Seats were placed, the Queen ſat in the middle, the Prince on her Right hand, and the King on the Left. His Highneſs was thence conducted by the King, to the Lodgings prepared for him; where, after they had converſed a while, the King left him.

The King ſent the Prince two Golden Keys.

After a little pauſe, the Queen, by her *Major-domo*, gave him a further and very Noble welcome, with ſundry rich Preſents, as Perfumes, and coſtly Wearing Linnen. The King ſent him two Golden Keys, which would open all his Privy-lodgings, and his Bed-chamber, giving him to underſtand, that he had free acceſs unto him at all hours.

The Grandees are commanded to attend his Highneſs.

The Counſellors of Sate preſented themſelves, to let him know, That by the King's expreſs command they were to obey his Highneſs as exactly, as the King himſelf. He was conſtanly attended and ſerved with *Grandees* and *Tituladoes*, and was entertained with many Shews and Triumphs, and ſeveral daily Paſtimes. And one day running at the Ring, in company of divers of the Nobility, his Highneſs was the onely Perſon that bore the Ring away, and that in preſence of the *Infanta* his Miſtris, which was interpreted a good *Omen* at the beginning of his Atchievment. In fine, there wanted nothing which the wit of Man could deviſe for the height

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height of outward glory: The Governours of the Town presented the Marquis of *Buckingham* with the rich Cloath of State, which was born over the King and Prince in the great Solemnity, as a Fee belonging to the Place which he then executed,

The Marquis of *Buckingham* made Duke.

From the Court of *England*, many Lords and Gentlemen went after the Prince, that by a splendid Train and Retinue of his own People, he might appear as the Prince of *England*. And the Marquis of *Buckingham* was then made a Duke, by a Patent from *England*. A

The People talk, that the Prince is come to change his Religion.

This magnificent Entertainment, and the universal joy in *Spain*, was grounded on the hope of the Prince's turning Catholick: For the voice of the people went, that he was come to be a Christian. And the *Conde Olivares*, when he gave him the first visit, did congratulate his arrival with these expressions, "That the Match would be made presently, and that "the King of *Spain* and *England* should divide the World between them; "for that he did not question, but he came thither to be of their Re- "ligion. Whereunto the Prince answered, *That he came not thither for Religion, but for a Wife.* B

Endeavours to make the Prince change his Religion.

But there wanted no endeavours to reconcile the Prince, and, by him, the *British* Dominions to the See of *Rome*. *Gregory* the Fifteenth, then Pope, *exhorted the Bishop of *Conchen*, Inquisitor General of *Spain*, to improve the opportunity: And he sought to charm the Prince, by writing a very smooth Letter to him: Yea, he condescended to write to *Buckingham*, his Guide and Familiar, to incline him to the *Romish* Religion. And the Pope also wrote a Letter to the Prince, the tenour whereof followeth. C

* *Quare Apostolicis literis hortamur Catholicam Majestatem, ut eum principem rediget suaviter conetur sub Romanæ Ecclesiæ ditionem, cui veteres Magnæ Britanniæ Domini, coronatum caput, & imperii fasces (Cœlo plaudente) submiserunt.*

Quare te monemus, ut ad Catholicum Regem religiosius Consiliarius accedas, easque rationes despicias quibus insigne aliquod beneficium Britanniæ Regnis & Romanæ Ecclesiæ in præsenti rerum opportunitate comparetur. Res ipsa magna atque gravissima est; quare eam verbis amplificare non debemus; Regnum Cœlorum Britanniæ Principi patefacere, Regnum Britanniæ sedi Apostolicæ restituere incipiet, qui Regii istius Adolescentis animum Catholicæ Religionis studio inflammaverit, atque Hæreticæ impietatis odio impleverit, &c.

The Pope's Letter to the Prince of *Wales*.

Most Noble Prince, We wish you the health and light of God's grace. For- D
asmuch as Great Britain *hath alwayes been fruitful in Vertues, and in Men of great worth, having filled the one and the other World with the glory of her renown, she doth also very often draw the thoughts of the holy Apostolical Chair to the consideration of her praises. And indeed, the Church was but then in her Infancy, when the King of Kings did choose Her for his Inheritance; and so affectionately, that 'tis believed, the* Roman Eagles *were hardly there, before the* Banner *of the* Cross. *Besides that, many of her Kings instructed in* E
the knowledge of the true Salvation, have preferred the Cross before the Royal Scepter, and the Discipline of Religion before Covetousness; leaving examples of piety to other Nations, and to the Ages yet to come: so that having merited the Principalities, and first places of blessedness in Heaven, they have obtained on Earth the triumphant ornament of Holiness. And although now the state of the English *Church is altered, We see, nevertheless, the Court of* Great Britain *adorned and furnished with Moral Vertues, which might serve to support the charity we bear unto her, and be an Ornament to the Name of Christianity, if withall she should have for her defence and protection the Orthodox and Catholick* F
Truth. Therefore by how much the more the glory of your most Noble Father, and the apprehension of your Royal inclination delighteth us; with so much more zeal we desire, that the Gates of the Kingdom of Heaven might be opened unto you, and that you might purchase to your self the love of the Universal Church.

Moreover,

Moreover, it being certain that Gregory *the Great, of moſt bleſſed Memory, hath introduced to the People of* England, *and taught to their Kings the Law of the Goſpel, and the reſpect of Apoſtolical authority; We, as inferiour to him in holineſs and vertue, but equal in name and degree of dignity, think it very reaſonable, that we following his bleſſed footſteps, ſhould endeavour the Salvation of thoſe Provinces, eſpecially at this time, when your deſign (moſt noble Prince) elevates us to the hope of an extraordinary advantage. Therefore, as you have*
A *directed your journey to* Spain *towards the Catholick King, with deſire to Ally your ſelf to the Houſe of* Auſtria, *we do commend your deſign, and indeed, do teſtifie openly in this preſent buſineſs, that you are he that takes principal care of our Prelacy: For, ſeeing that you deſire to take in Marriage the Daughter of* Spain, *from thence we may eaſily conjecture, that the ancient ſeeds of Chriſtian Piety which have ſo happily flouriſhed in the Hearts of the Kings of* Great Britain, *may (God proſpering them) revive again in your Soul. And indeed it is not to be believed, that the ſame Man ſhould love ſuch an Alliance, that hates*
B *the Catholick Religion, and ſhould take delight to oppreſs the Holy Chair. To that purpoſe we have commanded that moſt humble Prayers be made continually to the Father of Lights, that he would be pleaſed to put you as a fair Flower of Chriſtendom, and the only hope of* Great Britain, *in poſſeſſion of that moſt noble Heritage which your Anceſtors purchaſed for you, to defend the Authority of the Sovereign High-Prieſt, and to fight againſt the Monſters of Hereſie. Remember the dayes of old, enquire of your Fathers, and they will tell you the way that leads to Heaven, and what way the Temporal Princes have taken to attain*
C *to the Everlaſting Kingdom. Behold the Gates of Heaven opened. The moſt holy Kings of* England, *who came from* England *to* Rome *accompanied with Angels, did come to* Honour *and do homage to the Lord of Lords, and to the Prince of the Apoſtles in the Apoſtolical Chair; their Actions and their examples being as ſo many voices of God, ſpeaking and exhorting you to follow the courſe of the lives of thoſe, to whoſe Empire you ſhall one day attain.*

Is it poſſible that you can ſuffer that the Hereticks *ſhould hold them for*
D *impious, and condemn thoſe whom the the Faith of the* Church *teſtifies to reign in the Heavens with Jeſus Chriſt, and have command and authority over all Principalities and Empires of the Earth? Behold how they tender you the hand of this truly happy Inheritance, to conduct you ſafe and ſound to the* Court *of the Catholick King, and who deſire to bring you back again into the lap of the Roman Church; beſeeching with unſpeakable ſighs and groans the God of all mercy for your Salvation, and to ſtrech out to you the Arms of the Apoſtolical charity to embrace you with all Chriſtian affection, even you that are her*
E *deſired Son, in ſhewing you the happy hope of the Kingdom of Heaven. And indeed, you cannot give a greater conſolation to all the People of the Chriſtian World, than to put the Prince of the Apoſtles in poſſeſſion of your moſt noble Iſland, whoſe Authority hath been held ſo long in the Kingdom of* Britain *for the defence of Kingdoms, and for a Divine Oracle. The which will eaſily come to paſs, and that without difficulty, if you open your heart to the Lord that knocks; upon which depends all the happineſs of that Kingdom. It is from this our great Charity, that we cheriſh the praiſes of the Royal Name, and that*
F *which makes us deſire that you and your Royal Father may be ſtiled with the names of Delivierers and Reſtorers of the ancient and paternal* Religion *of* Great Britain.

This is it we hope for, truſting in the goodneſs of God in whoſe hands are the hearts of Kings, and who cauſeth the People of the Earth to receive healing, to whom we will always labour with all our power to render you gracious and favourable

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favourable. In the interim take notice by theſe Letters of the care of our Charity, which is none other than to procure your happineſs: and it will never grieve us to have written them, if the reading of them ſtir but the leaſt ſpark of the Catholick Faith in the Heart of ſo great a Prince, whom we wiſh to be filled with long continuance of Joy, and flouriſhing in the glory of all Vertues.

Given at Rome *in the Palace of* St. Peter, *the* 20. *of* April, 1623. *in The Third Year of our Popedom.*

A

Gregorius P. P. XV. *Duci Buckinghamiæ.*

NObilis Vir, ſalutem & lumen Divinæ gratiæ. Authoritas qua Nobilitatem tuam in Britanna Regia florere accipimus, non modo meritorum præmium, ſed virtutis patrocinium habetur. Egregium plane decus, atque adeo dignum, cui populi illi addi cupiant diuturnitatem: verum vix dici poteſt quantus ei cumulus gloriæ in orbe terrarum accederet, ſi (Deo favente) foret Catholicæ religionis præſidium; facultatem certe nanciſceris, qua te eorum Principum conciliis inſerere potes, qui nominis immortalitatem adepti ad cœleſtia regna pervenerunt. Hanc tibi a Deo tributam, & a Pontifice Romano commendatam occaſionem, ne elabi patiare. Nobilis vir, non te præterit, regalium conſiliorum conſcium, quo in loco Britanna res hac ætate ſit, quibuſque Spiritus Sancti loquentis vocibus, Principum tuorum aures quotidie perſonent. Quæ gloria eſſet nominis, ſi te hortatore ac ſuaſore, Anglicani Reges cœleſtem illius gloriæ hæreditatem recuperarent quam Majores eorum ampliſſimam in iis regnis reliquerunt, divini cultus incrementa curando & Pontificiæ authoritatis ditione, non ſolum tuenda, ſed etiam propaganda! Multi fuerunt, atque erunt in poſterum, quos benevolentia Regum perituris divitiis locupletavit, & invidioſis titulis auxit; atque ut id Nobilitas tua conſequatur, non ideo ſempiternis laudibus nomen tuum memor poſteritas colet; at enim ſi conſilia tua potentiſſimos

Pope *Gregory* to the D. of *Buckingham.*

B

RIght honourable, we wiſh you health and the light of Gods Grace. The authority which we underſtand you have in the Court of England, *is accounted not onely the reward of Merit, but the patronage of Vertue. A remarkable honor indeed, and of ſuch worth, that the people there ought to pray for its continuance: but it can ſcarce be expreſt what an acceſs of glory it would receive in the World, if by the grace of God it ſhould become the ſafeguard of the Catholick Religion. You have the means to ingraft your ſelf into the aſſembly of thoſe Princes, who having obtained an immortal Name, have purchaſed the heavenly inheritance. Suffer not, Honorable Sir, this occaſion to ſlip out of your hands, afforded you by God, and recommended to you by the Pope of* Rome. *You are not ignorant, as intimate in the Kings Counſels, in what condition the affairs of* England *are in this our Age, and with what voices of the Holy Ghoſt ſpeaking, the ears of your Princes daily tingle. How greatly would you be renown'd, if by your perſwaſion and admonition, the Kings of* England *ſhould obtain the Heavenly Inheritance of that glory which their Anceſtors left them moſt ample in thoſe Kingdoms, by taking care of the increaſe of Gods worſhip, and not onely defending, but propagating the Dominions of the Popes Authority! There have been, and will be many hereafter, whom the favour of Kings hath much enriched with Wealth that fadeth away, and honoured with envious Titles: And if your Honour attain this, Poſterity will not therefore adore your memory*

C D E F

mory with everlaſting praiſes; but if your advice ſhould reduce Potent Kings and Nations to the Lap of the Church, your Name would be written in the Book of the Living, whom the pangs of Death aſſault not; and the Records of Hiſtorians would number you among thoſe Sages in whoſe light and conduct Kings have walked. And with what comfort of the preſent life and reward of the future, that God who is rich in mercy would recompence you, they eaſily foreſee who are acquainted with the skill and violence by which the Kingdom of Heaven is conquered: That we wiſh you to be partaker of ſo great happineſs, not only our Papal Charity moves us (to whoſe care the Salvation of Mankind belongeth) but alſo the Piety of your Mother, who having brought you forth to the World, deſires to bring you forth again to the Church of Rome, *whom ſhe acknowledges for her Mother. Therefore* Didacus de la Fuente *our beloved Son, a Fryer, who hath prudently managed the moſt important affairs of your Princes here in* Rome, *being to go to* Spain, *we have commanded him to wait upon your Honour, and to deliver you thoſe Apoſtolical Letters to evidence the greatneſs of our Papal Charity, and our deſire of your Salvation. You may be pleaſed to hearken to him, as the Interpreter of our mind, and one adorned with thoſe Vertues, which have been able to purchaſe the love of Foreign Nations to a Catholick and a Regular Prieſt. Truly he hath ſpoken ſuch things of you in this Country of the World, that he is worthy whom you ſhould cheriſh with a ſingular affection, and protect with your Authority, as one ſtudious of the glory and ſafety of the King and People of* Great Britain. *We will pray the Father of Mercies, that he would open the Doors of the Kingdom of Heaven to your Honour, and afford you frequent Evidences of his Clemency.*

Given at Rome apud ſanctam Mariam Majorem ſub Annulo Piſcatoris, 19. Maii, 1623. *being the third year of Our Reign.*

mos Reges populoſque ad Eccleſiæ gremium reducerent; ſcriberetur nomen tuum in libro viventium quos non tangit tormentum mortis ac te Hiſtoriarum Monumenta in eos ſapientes referrent in quorum ſplendore Reges ambulaverunt. Quibus autem te præſentis vitæ ſolatiis & futuræ præmiis remuneraretur Deus ille, qui dives eſt in miſericordia, omnes facile provident quibus nota eſt ars, & vis, qua Regnum Cœlorum expugnatur. Tantæ te fælicitatis compotem fieri ut cupiamus efficit non ſolum Pontificia Charitas, ad cujus curas totius humani generis ſalus pertinet, ſed etiam genetricis tuæ pietas, quæ cum te mundo peperit *Romanæ* etiam Eccleſiæ quam ipſa matrem ſuam agnovit iterum parere cupit: Proin cum in *Hiſpanias* profectionem paret dilectus Filius religioſus vir *Didacus de la Fuente*, qui graviſſima principum tuorum negotia in urbe ſapienter Adminiſtravit, ei mandavimus ut Nobilitatem tuam adeat atque has Apoſtolicas Literas deferat quibus Pontificiæ Charitatis magnitudo & ſalutis tuæ cupido declaretur. Cum ergo audire poteris ſententiæ noſtræ interpretem, atque iis virtutibus inſtructum quæ exterarum Nationum amorem Catholico etiam & Religioſo Sacerdoti conciliare potuerunt. Ille quidem ea de te in hac orbis Patria prædicavit, ut dignus ſit quem ſingulari affectu complectaris & Authoritate tua Munias *Britannorum* Regum populorumque ſaluti & gloriæ inſervientem nos quidem Patrem Miſericordiarum Orabimus ut Nobilitati tuæ cœleſtis Regni fores patefaciat & frequentia prebeat Clementiæ ſuæ documenta.

Datum Romæ *apud ſanctam* Mariam *Majorem ſub Annulo Piſcatoris, die* 19. Maii, 1623. *Pontificatus noſtri Tertio.*

An. 1623.

The Prince of *Wales* returned this following Anſwer to the Popes Letter (according to a Copy preſerved by ſome then in *Spain* at the Treaty.)

There is another Copy of the Princes Letter to the Pope, publiſhed by ſeveral hands, ſomewhat different from this.

CAROLUS Princeps *Gregorio P. P.* XV.

Sanctiſſime Pater,

BEatitudinis Veſtræ Literas non minore gratitudine & obſervantia accepimus, quam exigat ea qua novimus exaratas inſignis benevolentia, & pietatis affectus. Atque illud imprimis gratum fuit, nunquam ſatis laudata Majorum exempla inſpicienda Nobis à veſtra Sanctitate atque imitanda fuiſſe propoſita: Qui licet multoties omnium fortunarum & vitæ ipſius diſcrimen adiverint, quo fidem Chriſtianam latius propagarent, haud tamen alacriori animo in infeſtiſſimos Chriſti hoſtes, Crucis Chriſti vexilla intulerunt, quam nos omnem opem & operam adhibebimus ut quæ tam diu exaltavit pax & unitas, in Chriſtianam Rempublicam poſtliminio reducatur. Cum enim Diſcordiarum Patris malitia inter illos ipſos qui Chriſtianam profitentur Religionem tam infelicia ſeminarit diſſidia, hoc vel maximè neceſſarium ducimus ad Sacroſanctam Dei & Salvatoris Chriſti gloriam fælicius promovendam. Et minori nobis honori futurum exiſtimabimus, tritam Majorum Noſtrorum veſtigiis inſiſtentes viam, in piis ac Religioſis ſuſceptis illorum æmulos atque imitatores extitiſſe, quam genus noſtrum ab illis atque originem duxiſſe. Atque ad idem nos iſtud plurimum inflammat perſpecta nobis Domini Regis ac Patris noſtri voluntas, & quo flagrat deſiderium ad tam Sanctum opus porrigendi manum auxiliatricem, tum qui Regium pectus exedit dolor, cum perpendit quam ſævæ exhoriantur ſtrages, quam deplorandæ

Prince *Charles* to *Pope Gregory* XV.

Moſt Holy Father,

WE have received your Letter with no leſs thankfulneſs and reſpect, than is due to the ſingular good will and godly affection wherewith we know it was written. It was moſt acceptable unto us, that the never enough Renowned Examples of our Anceſtors were propoſed to us by your Holineſs for our inſpection and imitation; who, though they often hazarded their Lives and Fortunes to propagate the Chriſtian Faith, yet did they never more chearfully diſplay the Banners of the Croſs of Chriſt againſt his moſt bitter enemies, than we will endeavour to the utmoſt, that the Peace and Union which ſo long triumphed, may be reduced into the Chriſtian World, after a kind of Elimination or Exile. For ſince the malice of the Father of diſcords hath ſowed ſuch unhappy diviſions amongſt thoſe who profeſs the Chriſtian Religion, We account this moſt neceſſary thereby to promote with better ſucceſs, the glory of God and Chriſt our Saviour; nor ſhall we eſteem it leſs honour to tread in their footſteps, and to have been their Rivals *and Imitators in Holy undertakings, than to have been deſcended of them. And we are very much encouraged to this as well by the known inclination of our Lord and Father, and his ardent deſire to lend a helping hand to ſo pious a work, as by the anguiſh that gnaws his* Royal Breaſt, *when he conſiders what cruel deſtructions, what deplorable calamities ariſe out of the diſſentions of Chriſtian Princes. Your Holineſs conjecture of our deſire to contract an Alliance and Marriage with a Catholick Family and Princeſs,*

is

agreeable both to your Wiſdom and Charity; for we would never deſire ſo vehemently to be joyned in a ſtrict and indiſſoluble Bond with any Mortal whatſoever, whoſe Religion we hated. Therefore your Holineſs may be aſſured, That we are, and alwayes will be of A *that Moderation, as to abſtain from ſuch actions, which may teſtifie our hatred againſt the* Roman *Catholick Religion; we will rather embrace all occaſions whereby through a gentle and fair procedure all ſiniſter ſuſpicions may be taken away; That as we all confeſs one Individual Trinity and one* B *Chriſt Crucified, we may unanimouſly grow up into one Faith. Which that we may compaſs, we little value all Labour and watchings, yea, the very hazard of our lives. It remains, that we render thanks to your Holineſs for your Letter, which we eſteem as a ſingular preſent, and wiſh your Holineſs all* C *proſperity and Eternal happineſs.*

Dated at *Madrid*,
20 *Junii*, 1623.

D

E

plorandæ calamitates ex principum Chriſtianorum diſſenſionibus. Judicium vero quod Sanctitas veſtra tulit de noſtro cum domo ac Principe Catholico Affinitatem & Nuptias contrahendi deſiderio, & Charitati veſtræ eſt conſentaneum, nec à ſapientia invenietur alienum. Nunquam tanto quo ferimur ſtudio, nunquam tam arcto & tam indiſſolubili vinculo ulli Mortalium conjungi cuperemus, cujus odio Religionem proſequeremur. Quare Sanctitas veſtra illud in animum inducat, ea modo nos eſſe ſemperque futuros moderatione, ut quam longiſſime abfuturi ſimus ab omni opere quod odium teſtari poſſit ullam adverſus Religionem Catholicam Romanam: Omnes potius captabimus occaſiones quo leni benignoque rerum curſu ſiniſtræ omnes ſuſpiciones è medio penitus tollantur. Ut ſicut omnes unam individuam Trinitatem, & unum Chriſtum Crucifixum Confitemur, in unam fidem unanimiter coaleſcamus: Quod ut aſſequamur, labores omnes atque vigilias, Regnorum etiam atque vitæ pericula parvi pendimus. Reliquum eſt ut quas poſſumus maximas, pro literis quas inſignis muneris loco ducimus, gratias agentes, Sanctitati veſtræ omni a proſpera & fælicitatem æternam comprecamur.

Datum Matriti,
20 *Junii*,
1623.

Allurements to make the Prince change his Religion.

Orations, Proceſſions, and pompous Shows were made in *Spain*, to allure the Prince to Popery; Popiſh Books were dedicated, and Popiſh Pictures preſented to him. They carried him to the moſt Religious places, and to Perſons famous for pretended Miracles. And they ſhew him of what importance his Converſion is, to the gaining of a large entrance into the *Infanta*'s affection, and a ſmooth path to this Catholick Marriage. And in caſe a Rebellion in *England* ſhould follow his change of Religion, they offer an Army to ſubdue the Rebels.

The Prince ſtedfaſt in his Religion.

But the Prince remained ſtedfaſt in his Religion; neither did he expreſs any ſhew of change.

But as to the interior carriage of Affairs, notwithſtanding his Splendid entertainment to the height of Princely State, yet in the main buſi-

An. 1623.

Is not well dealt with in his Addreſs to the *Infanta*. The Diſpenſation is at laſt procured.

neſs he was meanly dealt with, and in his Addreſſes to the *Infanta*, unworthily reſtrained and undervalued.

The diſpenſation ſticks long in the Birth, but after a tedious Travel, it was brought forth. Mr. *George Gage* advertiſed the King from *Rome*, that the Cardinals made mention of him in moſt honourable Language, and had a firm opinion, that the former Rigor towards Catholicks, hath riſen from others, but the Graces vouchſafed to them from himſelf; A
and they were now confident that ſuch potent interceſſions having been made with him, and all civil jealouſies removed, he will not only command a real performance of what is promiſed, but according to his own Loyal heart, will enlarge the benefit.

Furthermore, he aſſured the King, That ſuch difficulties as were already ſpent, and were yet to come, have been laid hold on by the Cardinals, neither to fruſtrate, nor prolong this Treaty, but out of an opinion, that otherwiſe they could not ſecure their Conſciences, proceed B
upon a juſt and valuable ground, and ſatisfie the judgments of ſuch diſcreet Perſons, as may in times to come underſtand the paſſages of this great Buſineſs.

The Diſpenſation comes clogged.

So the long ſolicited Diſpenſation came from Pope *Gregory* the Fifteenth, to the Court of *Spain*. But whereas it was expected full and abſolute, it came with a Clog a Clauſe thruſt in of purpoſe to retard the proceedings.

That whereas there were certain Articles condeſcended unto by the C
King of *England*, in favour of the *Roman* Catholicks in his Dominions, Caution ſhould be given for the performance of thoſe Conceſſions. The King anſwered, That he could give no other Caution, than his own and the Princes Oath, exemplified under the Great Seal of *England*. But this would not ſatisfie, unleſs ſome Sovereign Catholick Prince would ſtand engaged for them. Hereupon the frame of things was like to fall aſunder, and a rumor went, that the Prince intended to get away covertly.

Olivares propoſes ways of Accomodation.

Amidſt the heats of this diſpute, *Olivares* (whether in a humor or good earneſt) propounded three wayes of accommodation: the firſt was, That Prince *Charles* ſhould become Catholick. The ſecond, That the *Infanta* ſhould be delivered to him upon the former ſecurity without further condition. The third was, To bind him as faſt as they could, and not truſt him with any thing. And of theſe three wayes, he ſaid, The two former were good, but the laſt was a bad one.

The King of *Spain* proffers to engage himſelf on the behalf of the King of *England* and the Prince.

At length the King of *Spain* proffered to engage himſelf by Oath on E
the behalf of the King and Prince for the performance of the Articles. Provided, That he firſt conſult with his Ghoſtly Fathers, whether he might do it with a ſafe Conſcience. This was a fair contrivance, whereby that King might not only oblige our King and Prince, but lay the ground-plot of a fair pretence of War againſt *England*, if the *Roman* Catholicks received not ſatisfaction in the enjoyment of the Freedom promiſed. Beſides, he would form a Party in theſe Dominions to a Dependance upon his Protection.

His Ghoſtly Fathers approve his intentions.

A *Junto* of Divines were called to determine upon the Caſe, and they F
go very gravely and tediouſly to work, and protract the time almoſt beyond the bounds of the Princes patience; but they conclude at laſt Affirmatively. And in caſe the King of *England* fail to execute what was ſtipulated, the King of *Spain* was to vindicate his Oath, and right himſelf by the Sword.

Then

21 *Jacobi.*

Then was the Match declared publickly, and the Prince had frequent acceſs to the *Infanta*, yet alwayes in publick manner, and in the Kings preſence.

The Match is declared publickly.

Whilſt theſe things were forging in *Spain*, there were not wanting ſuch as warned the King, and tendred ſafer Counſels. The Archbiſhop of *Canterbury* was bold to preſs him cloſe in this ſerious Letter.

A

May it pleaſe your Majeſty,

The Archbiſhops Letter to the King, againſt Toleration of Popery.

I *Have been too long ſilent, and am afraid by my ſilence I have neglected the duty of the place it hath pleaſed God to call me unto, and your Majeſty to place me in: But now, I humbly crave leave, I may diſcharge my Conſcience* B *towards God, and my duty to your Majeſty; and therefore, I beſeech you freely to give me leave to deliver my ſelf, and then let your Majeſty do with me what you pleaſe. Your Majeſty hath propounded a Toleration of Religion, I beſeech you take into your conſideration what your Act is, what the Conſequence may be. By your Act you labour to ſet up the moſt Damnable and Heretical Doctrine of the Church of* Rome, *the Whore of* Babylon: *How hatefull it will be to God, and grievous to your good Subjects, the Profeſſors of the Goſpel, That your Majeſty who hath often diſputed, and learnedly written againſt thoſe Hereſies,* C *ſhould now ſhew your ſelf a Patron of thoſe wicked Doctrines which your Pen hath told the World, and your Conſcience tells your Self, are Superſtitious, Idolatrous, and Deteſtable. And hereunto I add what you have done in ſending the Prince into* Spain *without conſent of your Council, the Privity and Approbation of your People: And although you have a Charge and intereſt in the Prince, as Son of your Fleſh; yet have the People a greater, as Son of the Kingdom, upon whom next after your Majeſty are their Eyes fixed, and welfare depends; and ſo tenderly is his going apprehended, as (believe it) however his return* D *may be ſafe; yet the drawers of him into this Action, ſo dangerous to himſelf, ſo deſperate to the Kingdom, will not paſs away unqueſtioned, unpuniſhed. Beſides, this Toleration which you endeavour to ſet up by your Proclamation, cannot, be done without a Parliament, unleſs your Majeſty will let your Subjects ſee that you will take unto your ſelf ability to throw down the Laws of your Land at your pleaſure. What dread conſequence theſe things may draw afterward, I beſeech your Majeſty to conſider, and above all, leſt by this Toleration and diſcountenancing of the true Profeſſion of the Goſpel, wherewith God hath* E *bleſſed us, and this Kingdom hath ſo long flouriſhed under it, your Majeſty do not draw upon this Kingdom in general, and your ſelf in particular, Gods heavy wrath and indignation.*

Thus in diſcharge of my duty towards God, to your Majeſty and the place of my calling, I have taken humble leave to deliver my Conſcience. Now Sir, do what you pleaſe with me.

The King would not admit any motion of drawing back, but in going forward, he would yield to all demands, and was accordingly ſcrued up to the greateſt height.

F

So at laſt the Difficulties in *Rome* and *Spain* were all ſurmounted; and then theſe following Articles (ſtyled by the Cardinals, *Propoſitions for the right Augmentation and Weal of the* Roman *Catholick* Religion) were ſworn unto by the King, Prince and Privy Council.

"I. That

An. 1623.

Articles ſworn to by the King, Prince, and Privy Council.

I. "THat the Marriage be made by Diſpenſation of the Pope, but "that to be procured by the endeavour of the King of *Spain*.

II. "That the Marriage be once only celebrated in *Spain*, and ratified "in *England*, in form following. In the Morning after the moſt Gracious "*Infanta* hath ended her Devotions in the Chappel, ſhe and the Moſt Ex- "cellent Prince *Charles*, ſhall meet in the Kings Chappel, or in ſome other "Room of the Palace, where it ſhall ſeem moſt expedient; and there ſhall A "be read all the Procurations, by virtue whereof the Marriage was cele- "brated in *Spain*; and as well the moſt Excellent Prince, as the moſt Ex- "cellent *Infanta*, ſhall ratifie the ſaid Marriage celebrated in *Spain*, with "all ſolemnity neceſſary for ſuch an Act; ſo as no Ceremony, or other "thing intervene, which ſhall be contrary to the *Roman* Catholick Apoſto- "lick Religion.

III. "That the moſt Gracious *Infanta*, ſhall take with her ſuch Servants "and Family as are convenient for her ſervice; which Family, and all B "Perſons to her belonging, ſhall be choſen and nominated by the Catho- "lick King: So as he nominate no Servant which is Vaſſal to the King of "*Great Britain*, without his will and conſent.

IV. "That as well the moſt Gracious *Infanta* as all her Servants and "Family, ſhall have free uſe and publick Exerciſe of the *Roman* Catho- "lick Religion, in manner and form as is beneath capitulated.

V. "That ſhe ſhall have an Oratory and Decent Chappel in her "Palace; where at the pleaſure of the moſt Gracious *Infanta*, Maſſes "may be celebrated; and in like manner ſhe ſhall have in *London*, or C "whereſoever ſhe ſhall make her abode, a Publick and Capacious Church "near her Palace, wherein all Duties may be ſolemnly celebrated, and "all other things neceſſary for the Publick Preaching of Gods Word, "the Celebration and Adminiſtration of all the Sacraments of the Catholick "*Roman* Church, and for Burial of the Dead, and Baptizing of Children. "That the ſaid Oratory, Chappel and Church, ſhall be adorned with ſuch "decency as ſhall ſeem convenient to the moſt Gracious *Infanta*.

VI. "That the Men-ſervants, and Maid-ſervants of the moſt Gracious D "*Infanta*, and their Servants, Children, and Deſcendants, and all their "Families of what ſort ſoever ſerving her Highneſs, may be freely and pub- "lickly Catholicks.

VII. "That the moſt Gracious *Infanta*, her Servants and Family, may "live as Catholicks in form following. That the moſt Gracious *Infanta* "ſhall have in her Palace her Oratory and Chappel ſo ſpacious, that her "ſaid Servants and Family may enter and ſtay therein; in which there ſhall "be an ordinary and publick Door for them, and another inward Door, by E "which the *Infanta* may have a paſſage into the ſaid Chappel where ſhe and "others, as aboveſaid, may be preſent at Divine Offices.

VIII. "That the Chappel, Church, and Oratory may be beautified "with decent Ornaments of Altars, and other things neceſſary for Divine "Service, which is to be celebrated in them according to the cuſtom of the "Holy *Roman* Church, and that it ſhall be lawful for the ſaid Servants and "others to go to the ſaid Chappel and Church at all hours, as to them ſhall "ſeem expedient. F

IX. "That the care and cuſtody of the ſaid Chappel and Church ſhall "be committed to ſuch as the Lady *Infanta* ſhall appoint, to whom it "ſhall be lawful to appoint Keepers, that no body may enter into them to "do any undecent thing.

X. "That

X. "That to the Adminiſtration of the Sacraments, and to ſerve "in Chappel and Church aforeſaid, there ſhall be Four and twenty "Prieſts and Aſſiſtants, who ſhall ſerve Weekly or Monthly, as to the "*Infanta* ſhall ſeem fit, and the Election of them ſhall belong to the "Lady *Infanta*, and the Catholick King. Provided, That they be none "of the Vaſſals of the King of *Great Britain*, and if they be, his will and "conſent is to be firſt obtained.

A XI. "That there be one Superior Miniſter or Biſhop, with neceſ- "ſary Authority upon all occaſions which ſhall happen belonging to Re- "ligion; and for want of a Biſhop, that his Vicar may have his Autho- "rity and Juriſdiction.

XII. "That this Biſhop or Superior Miniſter, may Correct and "Chaſtiſe all *Roman* Catholicks who ſhall offend, and ſhall exerciſe upon "them all Juriſdiction Eccleſiaſtical: And moreover alſo, the Lady *In-* "*fanta* ſhall have power to put them out of her ſervice, whenſoever it B "ſhall ſeem expedient to her.

XIII. "That it may be lawful for the Lady *Infanta* and her Ser- "vants, to procure from *Rome*, Diſpenſations, Indulgences, Jubilees, "and all Graces, as ſhall ſeem fit to their Religion, and Conſciences; "And to get and make uſe of any manner of Catholick Books what- "ſoever.

XIV. "That the Servants and Family of the Lady *Infanta*, who "ſhall come into *England*, ſhall take the Oath of Allegiance to the King C "of *Great Britain*: Provided, That there be no clauſe therein which ſhall "be contrary to their Conſciences, and the *Roman* Catholick Religion; "and if they happen to be Vaſſals to the King of *Great Britain*, they "ſhall take the ſame Oath that the *Spaniards* do.

XV. "That the Laws which are or ſhall be in *England* againſt Re- "ligion ſhall not take hold of the ſaid Servants; and only the foreſaid "Superior Eccleſiaſtical Catholick may proceed againſt Eccleſiaſtical "Perſons, as hath been accuſtomed by Catholicks: And if any Secular D "Judge ſhall apprehend any Eccleſiaſtical Perſon for any offence, he ſhall "forthwith cauſe him to be delivered to the aforeſaid Superior Eccle- "ſiaſtick, who ſhall proceed againſt him according to the Canon "Law.

XVI. "That the Laws made againſt Catholicks in *England*, or in "any other Kingdom of the King of *Great Britain*, ſhall not extend to "the Children of this Marriage; and though they be Catholicks, they "ſhall not loſe the right of Succeſſion to the Kingdom and Dominions E "of *Great Britain*.

XVII. "That the Nurſes which ſhall give ſuck to the Children of "the Lady *Infanta*, (whether they be of the Kingdom of *Great Britain*, "or of any other Nation whatſoever) ſhall be choſen by the Lady *Infan-* "*ta*, as ſhe pleaſeth, and ſhall be accounted of her Family, and enjoy the "priviledges thereof.

XVIII. "That the Biſhop, Eccleſiaſtical and Religious Perſons of "of the Family of the Lady *Infanta*, ſhall wear the Veſtment and Habit F "of their Dignity, Profeſſion, and Religion, after the Cuſtom of *Rome*.

XIX. "For ſecurity that the ſaid Matrimony be not diſſolved for "any cauſe whatſoever: The King and Prince are equally to paſs the "Word and Honour of a King; and moreover, that they will perform "whatſoever ſhall be propounded by the Catholick King for further con- "firmation, if it may be done decently and fitly.

XX. "That

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XX. "That the Sons and Daughters which ſhall be Born of this Mar-
"riage, ſhall be brought up in the company of the moſt Excellent *Infan-*
"*ta*, at the leaſt, until the age of Ten years, and ſhall freely enjoy the
"right of Succeſſions to the Kingdoms, as aforeſaid.

XXI. "That whenſoever any place of either Man-ſervant, or Maid-ſer-
"vant, which the Lady *Infanta* ſhall bring with her (nominated by the
"Catholick King her Brother) ſhall happen to be void, whether by death,
"or by other cauſe or accident, all the ſaid Servants of her Family are to A
"be ſupplyed by the Catholick King as aforeſaid.

XXII. "For ſecurity that whatſoever is capitulated, may be fulfilled,
"The King of *Great Britain*, and Prince *Charles*, are to be bound by Oath;
"and all the Kings Council ſhall confirm the ſaid Treaty under their hands:
"Moreover the ſaid King and Prince are to give their Faiths in the Word of
"a King, to endeavour, if poſſible, That whatſoever is capitulated, may
"be eſtabliſhed by Parliament.

XXIII. "That conformable to this Treaty, all theſe things propoſed, B
"are to be allowed and approved of by the Pope, that he may give an
"Apoſtolical Benediction, and a Diſpenſation neceſſary to effect the Mar-
"riage.

The Oath taken by the King and Prince, was as followeth.

The Oath.

WE Ratifying and confirming the aforeſaid Treaty, and all and every Capitulation contained, and ſpecified in the ſame, C
do approve, applaud, confirm, and ratifie of our certain knowledge, all and every of theſe things in as much as they concern our Selves, our Heirs, or our Succeſſors: And we promiſe by theſe preſents in the word of a King, to keep, fulfil, and obſerve the ſame; and to cauſe them to be kept, fulfilled, and obſerved inviolably, firmly, well and faithfully, effectually, Bona fide, without all exception, and contradiction. And we confirm the ſame with an Oath upon the Holy Evangeliſts, in the preſence of the Illuſtrious and Noble John de Mendoza, Charles de Colona, Ambaſſadors of the moſt Gracious Catholick King reſiding in our Court. D

In teſtimony and Witneſs of all and every the premiſes, we have cauſed our Great Seal to be put to theſe Articles ſubſcribed by our Hands there, in the preſence of the moſt reverend Father in Chriſt, George Archbiſhop of Canterbury, Primate of all England, and the Reverend Father in Chriſt, John Biſhop of Lincoln, Lord Keeper of the Great Seal of England, Lionel Cranfield, Chief Treaſurer of E
England, Henry Viſcount Mandevil, Preſident of our Council, Edward Earl of Worceſter, Keeper of the Privy Seal, Lewis Duke of Richmond and Lenox, Lord Steward of our Houſhold, James Marquels Hamilton, James Earl of Carliſle, Thomas Earl of Kelly, Oliver Viſcount Grandeſon, &c. and George Calvert Knight, one of our Chief Secretaries of State, and all our Privy Council.

Given at our Palace of Weſtminſter, &c.

JACOBUS Rex. F

After this the King did ſwear to certain private Articles in favour of Papiſts, and for the advancement of the Roman Religion.

JAMES

JAMES by the grace of God of Great Britain King, Defender of the Faith, &c. To all to whom this present writing shall come, greeting. Inasmuch as among many other things which are contained within the Treaty of Marriage between our most dear Son Charles Prince of Wales, and the most renowned Lady Donna Maria, Sister of the most renowned Prince and our welbeloved Brother Philip the Fourth King of Spain, It is agreed, That we, by our Oath, shall approve the Articles under-expressed to a word:

A

I. That particular Laws made against Roman *Catholicks, under which other Vassals of our Realms are not comprehended, and to whose observation all generally are not obliged; as likewise general Laws under which all are equally comprised, if so be they are such which are repugnant to the* Romish *Religion, shall not at any time hereafter by any means or chance whatsoever directly or indirectly be commanded to be put in execution against the said* Roman *Catholicks; and we will cause that our*

B *Council shall take the same Oath as far as it pertains to them, and belongs to the execution which by the hands of them and their Ministers is to be exercised.*

Private Articles sworn to by the King in favour of *Roman Catholicks.*

2. That no other Laws shall hereafter be made anew against the said Roman *Catholicks, but that there shall be a perpetual Toleration of the* Roman *Catholick Religion, within private Houses throughout all our Realms and Dominions, which we will have to be understood as well of our Kingdoms of* Scotland *and* Ireland *as in* England; *which shall be granted to them in manner and form as is capitulated, decreed and granted in the Article of the Treaty concerning the Marriage.*

C *3. That neither by us nor any other interposed Person whatsoever directly or indirectly, privately or publickly, will we treat (or attempt) any thing with the most renowned* Lady *Infanta* Donna Maria, *which shall be repugnant to the* Romish *Catholick Religion; neither will we by any means perswade her that she should ever renounce or relinquish the same in substance or form, or that she should do any thing repugnant or contrary to those things which are contained in the Treaty of Matrimony.*

D *4. That We and the Prince of* Wales *will interpose our Authority, and will do as much as in us shall lie, that the Parliament shall approve, confirm and ratifie all and singular Articles in favour of the* Roman *Catholicks, capitulated between the most renowned Kings by reason of this Marriage; And that the said Parliament shall revoke and abrogate particular Laws made against the said* Roman *Catholicks, to whose observance also the rest of our Subjects and Vassals are not obliged; likewise the general Laws under which all are equally comprehended, to wit, as to the* Roman *Catholicks; if they be such as is aforesaid, which are repugnant to the* Roman *Catholick Religion; And that hereafter we will not consent that the said*

E *Parliament should ever at any time enact or write any other new Laws against* Roman *Catholicks.*

MOreover I Charles Prince of Wales engage my self (and promise that the most Illustrious King of Great Britain, my most honored Lord & Father, shall do the same both by word and writing) That all those things which are contained in the foregoing Articles, & concern as wel the suspension as the abrogation of all Laws made against the

F Roman Catholicks, shall within three years infallibly take effect, and sooner if it be possible, which we will have to lie upon our Conscience & Royal honor. That I will intercede with the most illustrious King of G. Britain my father, that the X. years of the education of the children which shall be born of this marriage, with the most illustrious Lady Infanta their mother, accorded in the 23 Art. (which term the Pope of

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Rome desires to have prorogued to twelve years) may be lengthened to the said term: And I promise freely & of my own accord, & swear, That if it so happen that the entire power of disposing of this matter be devolved to me, I will also grant and approve the said term.

Furthermore I Prince of Wales oblige my self upon my faith to the Catholick King, That as often as the most illustrious Lady Infanta shall require that I should give ear to Divines or others whom her Highness shall be pleased to employ in matter of the Roman Catholick Religion, I will hearken to them willingly without all difficulty, and laying aside all excuse. And for further caution in point of the free exercise of the Catholick Religion, and the suspension of the Law abovenamed, I Charles Prince of Wales promise and take upon me in the word of a King, that the things above promised and treated concerning those matters, shall take effect and be put in execution as well in the Kingdoms of Scotland and Ireland as of England.

The Privy-Councellors Oath was this:

I A. B. do swear, That I will truly and fully observe, as much as belongeth to me, all and every of the Articles which are contained in Treaty of Marriage betwen the most gracious Charles Prince of Wales, and the most gracious Lady Donna Maria Infanta of Spain. Likewise I swear, that I will neither commit to execution, nor cause to be executed either by my self, or by any inferior Officer serving me, any Laws made against any Roman Catholick whatsoever, nor will execute any punishment inflicted by any of those Laws, but in all things which belong to me will faithfully observe his Majesties word given in that behalf.

A difficulty concerning the Popes title on the Kings part.

But in the taking of the solemn Publick Oath, it is said there arose a difficulty between the King and the *Spainsh* Ambassadors concerning the Popes Title, *Most holy*; which the King refused to pronounce openly in the Chappel at *Whitehall*, alleadging that it was repugnant to his Religion, and might be an impeachment to his honour: But the Ambassadors would proceed no further, till the King had yielded to give him that Title.

Another on the Ambassadors part concerning prayers in the Kings Chappel.

There was another rub, which the King soon removed. The Ambassadors had heard, that in the Kings Chappel when they should come to see the swearing of the Articles, they should be present at such Prayers and Singing as were used in the Protestant Church; whereunto they declared that they could not yield, since the end of their coming thither was to maintain and warrant the Catholick, Apostolical and Roman Church; Whereupon the King commanded, that nothing should then be sung, but, what was chanted when the Constable of *Castile* did swear the Peace between the two Crowns, which was an Hymn of Joy in praise of Peace.

A titular Bishop of *Calcedon* sent into *England*.

At that time *England* had swarms of Priests and Jesuits who were busie in drawing the People from the Protestant Religion: And a Titular Bishop of *Calcedon* privately came to *London*, to exercise Episcopal Jurisdiction over the Catholicks of this Kingdom.

Preparations for conducting the *Infanta* into *England*.

'Tis said that King *James* had now so much confidence of the Match, as to say openly in the Court, That now all the Devils in Hell could not break it. In *Spain* the *Infanta* was stiled the *Princess of England*, and was kept no longer in her Virgin retirements. In *England* a Chappel was building for her at S. *James*, and Don *Carlos de Colona* laid the first stone: Her Picture was every where to be seen, and a Fleet was prepared for her passage. And the greatest Enemies to this Alliance submitted to the Kings will. But in all this capitulation between the two Crowns, hitherto the Re-

21 *Jacobi.*

No mention made in the Capitulations of reſtoring the *Palatinate.*

Reſtitution of the *Palatinate* was laid aſide; the King conceiving that the Conſummation of the Match would overrule and ſettle that affair to his entire ſatisfaction.

In the heigth of the *Spaniſh* Treaty, there was a notable Letter writ from Mr. *Allured* to the Duke, perſwading him not only to endeavour the breaking of the Match with *Spain,* but alſo the preventing of any Match with a Princeſs of a different Religion.

Mr. *Allured* his Letter to the Duke.

A *THe Parable in the Goſpel (* ſaid he *) tells of a great King that Married his Son, and bad many thereunto; yea, upon the excuſal of ſome and refuſal of others, all of whatſoever condition, as well out of the High-wayes (as the High-places) were called and invited. As every true Chriſtian hath an intereſt in the Marriage of that Kings Son of Heaven, ſo every good Subject, as well as every great Subject, hath an intereſt in the Marriage and welfare of the Kings Son here on Earth. Which occaſions ſo many (and me the*

B *meaneſt of thoſe many) to wiſh that it may bring with it glory to Him on high, good will and peace to thoſe on Earth: which is much doubted cannot be from* Spain, *ſince the motioning of that* Match *makes a general fear, that it can neither be ſafe for the Kings Perſon, nor good for his Church and Common-wealth, becauſe that thereby there may be an inlet to the* Romiſh Locuſts, *who like the Cankerworm may in an inſtant ſmite our* Gourd, *under whoſe ſhadow we ſit ſafe.*

To addreſs this poor diſcourſe to your Lordſhips more particular: Kings have almoſt ever uſed to have their Favourites: Alexander *had long ſince his* Epheſtion, *and* Henry *the Third of* France *of late his* Eſpernon, *and* Philip *of*

C Spain *had ſince his* Lermas. *Yea, the beſt Princes have not wanted them: For, after the reckoning of* David's *great Officers,* Huſhai *the Archyte is called the Kings* Friend, *and* Ira *the Jarite is ſet down to have been* chief *about* David. *Which ſtands to Reaſon, and agrees with Nature: For every private Man is left to affect as he likes; neither can Affection be forced. Now to diſallow or confine that in a King, which is left at liberty in the meaneſt Subject, were prepoſterous and injurious: For though they command Nations as they are Kings, yet they are*

D *ſubject to their Paſſions as they are Men. And if I may alleadge it without miſinterpretation of others, as I am free from ill meaning my ſelf, Who know but* Chriſt *the rather to ſhew himſelf a Natural man, expreſſed ſo much the more his Paſſion in his often weeping, and his affection to divers particulars, but eſpecially to St.* John, *if I may not ſay his Favourite, certainly the Diſciple whom* Jeſus *loved more than any of the reſt. It is Gods bleſſing, and your happineſs, if you account it ſo, to be the* Kings *Favourite. As* Peter *therefore not preſuming to ask Chriſt who it was he ſpake of, beckoned to the Diſciple whom Jeſus loved,*

E *on whoſe Breaſt he leaned, to ask for him; ſo ſince moſt Men neither may, or ought to be ſo bold to ask or adviſe the King in this buſineſs ſo much ſpoken of, yet they point at you, who the higher you are in the Kings favour, the more you are in the Peoples Eye and Obſervation, and they expect you will not be wanting in the duty of a Subject, a Councellor, and a Favourite. We do not read of any ſervant almoſt better reſpected of his* Lord *and Maſter, than* Eliezar *of* Damaſcus, *whom* Abraham *had meant, had he died Childleſs, to have made his Heir; and we read not of any ſervice he did* Abraham *more, at leaſt greater, than in choice*

F *of a Wife for his Son* Iſaac. *Among the Servants of our Patriarch, the Defender of our Faith, we obſerve none better reſpected than your ſelf; For the King hath manifeſted, he loves not your Perſon only, but takes care for your Soul, and labours to make you as good as great, and as happy in another World, as high in this: Yet we know not wherein you can do him better ſervice, than with* Eliezar *to help to chooſe a* Rebekah *for our hopeful Prince.*

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We have not heard (said he) *of any Protestant King that ever married with a contrary Religion, save the last* Henry *of* Navar *with the last* Margaret *of* France: *which Marriage so unfortunate to the Parties (having never Issue) and being afterwards divorced, was also so fatal to our Religion, that there was more Blood spilt at those Nuptials, than Wine spent: For while the Protestants dreamed of the glory and security they should have by the Match, they were most miserably massacred. And who doubts but what the* French *Papists committed in their own Country upon that Colour and occasion, the* Spanish *Papists would be glad to see done in this Kingdom upon the like? For, without breach of Charity, we may doubt of their sincere meaning, though there be a Treaty of a Match: since in* Eighty Eight, *even while there was a Treaty of Peace, their* Armado *came upon us.* A

Again, we shall find it was forbidden, in the best People in the World, to Marry with a differing Religion. The injunction, the reason, and the effect are laid down in Deuteronomy *to the* Jews.

And if we descend to our own Books and Chronicles, we shall find that God hath crossed (if not cursed) our Alliance and Association, particularly with the Spanish Nation; the position of that Countrey, and the dispositon of that People being as it were so malignant and ill-agreeing with us. The Prince of the greatest performance that ever this Kingdom or Christendom had, was the Plack Prince: *Yet our Chronicle records, that going into* Spain *to settle* Don Pedro *in that Kingdom, besides the monstrous ingratitude and perfidiousness of the* Spaniard, *who failed in the performance of those Conditions he had promised, which caused the miserable Revolt in* France *to the loss of our inheritance, the Prince was so poisoned in that Countrey, that he never had his health after.* B

Moreover, he beseeched his Lordship to observe, that all the Marriages which the Heirs and Princes of this Crown have made in England *for these last six-score Years, except the several second Matches of* Henry *the Eighth, have been only and no where else but with* Spain; *which how little God hath blest, the success shews. Prince* Arthur *married the* Spanish *Kings Daughter: We know God took him away suddenly within a very small time, and without any Issue. In a Politick respect, we would yet make a second Match; so Prince* Henry *(afterwards King) married the same Daughter: But doubtless, God was less pleased with that Match, which was less lawful; and therefore God took away all the Male-children of it and left onely a Daughter, in whose short Reign was shed more* Blood *for the true Religion in six Years, than for the false in these succeeding sixty Years. We made then a Third Adventure and Marriage with* Spain, *Queen* Mary *with King* Philip: *which was so discontenting to the People, that it caused* Wyats *Rebellion; so discomfortable to the Queen, that it brake her heart, being left and neglected of her Husband; and so dishonourable and prejudicial to the Kingdom, that meerly for the* Spaniards *sake, we having no difference at all with* France, *we lost* Calis *in six Dayes, which had been above Two hundred Years in our possession.* C D E

He added lastly, *Though I have not so much judgment, nor so little wit as to presume to advise where to Match; yet I assume so much, as to think, a Match at home cannot be held any wayes inconvenient. We find the first and the last of our Kings that ever matched with their Subjects,* were Edw. 4. *and* Hen. 8. *From which two Matches,* God *(as it were to shew, the less we rely upon others abroad, the more he will help us himself at home) gave two Daughters, two* Elizabeths, *two such Queens, than which there were never two more blessed Instruments of Gods glory and this Kingdoms good, by establishing Peace in the Land, and Religion in the Church, until his Majesties happy coming who brought both with him.* F

The

21 *Jacobi.*

The *French* were very jealous of the Conjunction between *Spain* and *England*, and thought it the ſafeſt way to make peace at home, and imploy their ſtrength to bound the Incroachments of *Spain* and the Houſe of *Auſtria*: By which means a bitter Perſecution ceaſed in that Kingdom; The Proteſtants of *France* were permitted to call home their baniſhed Miniſters, to build their ruin'd Temples, and enjoy their liberty in Religion. This benefit did the Kings cloſing with *Spain* procure to a People almoſt ruined.

The *French* jealous of this conjunction.

But after all the Kings conceſſions, the *Spaniards* contrived new delayes, and propoſed harder terms. The Pope had obliged the Catholick King to ſee the Conditions performed, and to protract the Marriage, till matters in *England* were in perfect execution. Whereupon the Divines adviſe that King, that the promiſes of Marriage be made preſently, but the Conſummation thereof and the delivering of the *Infanta* be deferred till *May* the Year following. And the death of Pope *Gregory* did ſtrengthen this contrivance: For the *Spaniſh* Miniſters pretended, that in regard there was no Contract, but a Treaty only on foot, the diſpenſation which lay in the Nuncio's hands was by the Popes death ſuſpended, and a Ratification from the new Pope was requiſite before any further progreſs could be made.

Cardinal *Barberine* was choſen Succeſſor to *Gregory* the Fifteenth, and took the Name of *Urban* the Eighth. Soon after his Election, he wrote theſe enſuing Letters, the one to King *James*, the other to Prince *Charles*.

Sereniſſimo JACOBO
Magnæ Britanniæ Regi Illuſtri,
URBANUS P.P. VIII.

SEreniſſime Rex, ſalutem & lumen Divinæ gratiæ. Scotiæ regnum quod inclytos terris Reges, ſanctiſſimoſque cœlo cives peperit, cum ad Cardinalatus noſtri patrocinium pertinuerit, lætitiæ ſimul ac mœroris uberem nobis materiam afferebat. Exultabamus gaudio, cogitantes in ea Regione, quam Romanorum arma expugnare omnino non potuerunt, Romanæ Eccleſiæ fidem fæliciter triumphaſſe, Scotorumque Regem nullum hactenus extitiſſe, qui Pontificiæ authoritatis hoſtis obierit. At enim vertebatur in luctum cythara noſtra, cum ad præſentium temporum miſerias, oculos lachrymis manantes converteremus: Videmini enim, laborante diſcordiarum patre, obliti eſſe eum qui nutrivit vos, & contriſtati nutricem veſtram Hieruſalem. Quare Apoſtolica ſedes, quæ populos iſtos jampridem Chriſto genuit, mœrore conficitur, dum tam præclaram hæreditatem

To the moſt Illuſtrious
Prince JAMES King of
Great Britain.

MOſt ſerene King, We wiſh you health and the light of God's Grace. When the Kingdom of Scotland which hath brought forth famous Kings to Earth, and moſt holy Citizens to Heaven, was under our protection, whilſt we were yet Cardinal, it afforded us plentiful matter of joy and ſorrow. We were exceeding joyful when we conſidered, that the Faith of the Roman Church hath happily triumphed in that Countrey which the Roman Armies could never Conquer; and that there was never yet King of Scotland, who died an Enemy to the Popes authority. But our Harp was turned into Mourning, when we caſt our eyes, flowing with tears upon the miſeries of the preſent times; For you ſeem (while the Father of diſcords is active) to have forgotten him who nouriſhed you, and to have made ſad your Nurſe, Jeruſalem. Wherefore the Apoſtles ſeat which brought forth that People to Chriſt, is pierced with ſorrow, while it beholds ſo famous an inheritance

Pope Urban to K. James.

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reditatem verti videt ad extraneos, damnique ſui magnitudinem Britannorum Regum laudibus iſtarumque Provinciarum gloria metitur. Id vero præter cætera dolendum orbi Chriſtiano videtur, Jacobum regem Catholicorum regum prolem, & ſanctiſſimæ Parentis filium, a Pontifice Maximo atque a Majoribus ſuis in Religionis cultu diſſentire. Si enim ſublime iſtud ingenium, quod literarum ſtudiis & prudentiæ artibus Rex celeberrimus excoluiſti, affulgenti Patri luminum aſſentiretur, facile conjicit Chriſtiana Reſpublica quanto publicæ concordiæ bono factum eſſet, ut Nationes iſtas Inſulaſque, aut montium clauſtris aut Oceani gurgitibus diſſitas, Scoticus rex imperio conjungeres. Videtur enim Majeſtas tua ob eam rem facta eſſe tot Provinciarum domina, ut ab eo, cui parent, facilius celeriuſque Regna iſta medelam ac ſalutem acciperent. Quare aſſiduis precibus jam tum eum venerabamur, qui dat ſalutem Regibus, ut tot Divinæ clementiæ beneficia, quibus in conſpectu Potentium admirabilis es, ad Britanniæ incolumitatem & Eccleſiæ gaudium conferret. Affulſit autem nobis non ita pridem beata ſpes oriens ex alto, cum te Auſtriacæ affinitatis cupidum cognovimus, ex Catholica matre progigni exoptantem eos, qui tuam hæreditatem adire populoſque iſtos ditione tenere debent. Proin vix dici poteſt, quod nobis ſolatium obtulit ſanctiſſimæ recordationis Pontifex Gregorius XV. Prædeceſſor noſter, dum nos in eorum Cardinalium cœtum aſcivit quos Anglicani matrimonii cauſam cognoſcere voluit. Enituit in nobis tantum negotium diſſerentibus ſingularis quædam propenſio in Majeſtatem tuam, cujus cum faveremus ludibus, fælicitati etiam conſultum cupiebamus. Nunc autem cum per Apoſtolici ſenatus ſuffragia ad hanc ſtationem pervenimus, ubi pro omnibus terrarum regibus excubandum eſt, non ſatis explicare poſſumus quanta

tance to be given away to Strangers, and meaſure the greatneſs of its loſs by the praiſes of the Britiſh *Kings, and the glory of thoſe Dominions. But this above all ought moſt to be lamented by the Chriſtian World, that King* James, *the offspring of Catholick Kings, and the Son of a moſt holy Mother, ſhould diſſent from the Pope of* Rome, *and from his own Anceſtors in point of Religious Worſhip. For if thoſe eminent parts which you a moſt famous Prince have poliſhed with Learning and Arts of Prudence, would aſſent to the* Father *of Lights illuminating the Chriſtian World, we eaſily apprehend how much it would conduce to the Publick peace, that being King of* Scotland, *you ſhould joyn in one Kingdom thoſe Nations and Iſlands, divided either by the bars of the Mountains, or by the depths of the Ocean. For your Majeſty ſeems for that very reaſon to be made Lord of ſo many Provinces, that they might more eaſily and quickly receive healing and ſalvation from him whom they obey. Wherefore we even then beſought God by continual Prayers, who gives Salvation to Kings, that ſo many bleſſings by his grace conferred upon you, by which you are admirable in the ſight of Potentates, might bring ſafety to* Britain, *and joy to the Church. A bleſſed hope from above not long ago ſhined upon us, when we underſtood that you were deſirous of a Catholick Alliance, and that the Iſſue which ſhould ſucceed in the Inheritance and Government of thoſe Nations might be begotten of a Catholick Mother. We can ſcarcely expreſs how much joy* Gregory *the Fifteenth of bleſſed Memory, our Predeceſſor, brought us, when he made us one of the Congregation of thoſe Cardinals whom he would have to take cogniſance of the* Engliſh Match: *While we diſcourſed of a matter of ſo great importance, we expreſſed a ſingular propenſion of mind towards your Majeſty, and were both tender of your praiſes, and deſirous to provide for your happineſs. And now being by the conſent of the Apoſtolical Senate advanced to this ſtation, where*

we

quanta nobis cura & deſiderium ſit Magnæ Britanniæ, ac tanti Regis dignitas. Divinitus vero accidiſſe videtur, ut primæ literæque nobis in B. Petri ſede regnantibus redderentur, eæ fuerint quas Prædeceſſori noſtro Nobiliſſimus Carolus Walliæ Princeps ſcripſerat, teſtes ſuæ in Romanos Pontifices voluntatis. Nunc autem cum venerabile illud Conjugium, benedicente Domino, perfici cupiamus, alloqui te decrevimus, nullis Majeſtatis tuæ literis expectatis. Charitas enim Pontificii Imperii decus eſt; & quamvis in ſede hac potentiſſimum regum obſequiis culti commoremur, magnificum tamen nobis exiſtimamus, ſuadente charitate, ad humiles etiam preces deſcendere, dum animas Chriſto lucremur: Primum ergo credere omnino te volumus nullum eſſe in orbe Chriſtiano Principem, a quo plura expectare poſſis paternæ benevolentiæ documenta, quam à Pontifice Maximo, qui te deſideratiſſimum filium Apoſtolicæ charitatis brachiis complecti cupit. Scimus quibus te literis nuper ad tantum decus adipiſcendum excitavit Gregorius XV. Cum in ejus locum venerimus, ejus in te propenſionem non imitabimur ſolum, ſed etiam ſuperabimus. Speramus enim Nuntios è Britannia propediem allatum iri, qui Majeſtatem tuam rei Catholicæ favere teſtentur, Catholicoſque iſthic commorantes, quos Pater miſericordiarum aſſeruit in libertatem filiorum Dei, pœnarum formidine liberatos, Regali tandem patrocinio perfrui. Remunerabitur ille qui dives eſt in miſericordia, ejuſmodi conſilium, illuſtri aliqua felicitate: Tum nomini Majeſtatis tuæ plaudent regna terrarum, & militabunt acies cœleſtis exercitus: Frendant licet dentibus ſuis peccatores, minetur ſeditione potens impietas, ſperat Europa ſe viſuram Jacobum Regem in Romana Eccleſia triumphantem, & Majorum ſuorum exempla novis pietatis operibus augentem.

we are to watch and ward for all earthly Monarchs, we cannot ſufficiently declare what a care and deſire we have of Great Britain, *and the honour of ſo great a King. It ſeems to have been a ſpecial providence of God, that the firſt Letters which we received reigning in the ſeat of S.* Peter, *were thoſe which the moſt noble* Charles *Prince of* Wales *wrote to our Predeceſſor, as a teſtimony of his affection to the Popes of* Rome. *And ſince we now deſire that this venerable Marriage ſhould by the bleſſing of God be perfected, we reſolved to write unto you, without expecting Letters firſt from you; For charity is the Honour of the Papal Empire; although moſt powerful Kings do homage to us in this ſeat, yet we account it glorious (charity ſo perſwading) to deſcend to humble prayers, ſo that we may gain Souls to Chriſt. Firſt therefore, we deſire you to perſwade your ſelf, that there is no Prince in the Chriſtian World, from whom you can expect more evidence of Fatherly affection than from the Pope, who deſires to imbrace you a moſt deſired Son with the Arms of Apoſtolical Charity. We know with what a Letter* Gregory *the Fifteenth excited you to obtain ſo great a glory; And ſince we have ſucceeded him, we will not only imitate his inclinations towards you, but will exceed them. We hope we ſhall ſhortly have newes out of* England, *that your Majeſty is favourable to the Catholick Intereſt: and that the Catholicks who live there, whom the Father of Mercies hath vindicated into the liberty of the Sons of God, being freed from the fear of puniſhment, enjoy your Royal Protection. He who is rich in mercy, will reward ſuch a purpoſe with ſome ſingle happineſs: The Kingdoms of the Earth will applaud your Majeſty, and the Hoſt of Heaven will wage War for you: Though ſinners gnaſh their teeth, and Impiety powerful to raiſe ſedition threaten, yet* Europe *hopes ſhe ſhall ſee King* James *triumphing in the* Roman *Church, and increaſing the Example of his Anceſtors by new works of Piety. We do not diſtruſt*

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gentem. Non diffidimus adeſſe jam tempus Divini beneplaciti, quo illi qui Britannicæ religionis laudes monumentis conſignant, non ſemper alterius ſeculi facta loquentur, ſed præſentis etiam Principatus decora conſequentibus ætatibus proponere poterunt ad imitandum. Majores illi tui te vocant, qui tibi tantæ claritudinis & potentiæ hæreditatem reliquerunt, qui cœleſtis regni fores Pontificiis clavibus generi humano patefieri crediderunt. Certe fieri non poteſt, ut Majeſtas tua tot ſæculorum fidem, & Regum de te præclare meritorum, judicium aut contemnere audeat, aut condemnare. Nonne vides ſententia Majeſtatis tuæ iis omnino cœlum eripi, qui tibi Regnum reliquerunt, dum eos in Religionis cultu aberaſſe contendis; Ita fieret, ut quos univerſa Eccleſia cives cœli & cohæredes Chriſti in æterna patria dominari credit, tu ex ipſorum ſanguine prognatus tuo ſuffragio e cœlo detraheres, atque in errorum abyſſum, & pœnarum carcerem detruderes. Non ſentis tanti cogitatione facinoris ingrati animi tui Viſcera perhorreſcere? Nonne ejuſmodi conſiliis Regalis ingenii indoles reclamitat; quam tamen tot Europæ Nationes, dum ab Apoſtolica ſede diſſentit, reprehendere coguntur. Alliciat oculos tuos tantæ gloriæ ſplendor, quæ tibi è cœlo caput oſtentat, & manum porrigit, in Sanctuarium Dei Britannos Reges per te reductura comitantibus Angelis, hominibuſque plaudentibus. Jacebat olim in orbe terrarum deformata ærumnis Chriſtiani religio tyrannorum minas expaveſcens. Eam vero non ſolum è latibulis eduxit, ſed ad imperium etiam vocavit Imperator ille, quem Magnæ Britanniæ debemus, Conſtantinus Magnus, Pontificiæ authoritatis Propugnator, & Romanæ fidei aſſertor: Hic aptum Majeſtatis tuæ Regalis imitationis exemplar, non Reges illi

diſtruſt that the time of Gods good pleaſure is now at hand, when they who recommended to History the praiſes of the Britiſh Religon, ſhall not alwayes ſpeak of the deeds of another Age, but may be able to propoſe the preſent Government as a pattern of imitation to the Ages following. Your Anceſtors call upon you, who have left you ſo powerful and ſo famous an inheritance; who believed that the Gates of the Kingdom of Heaven were opened to Mankind with the Popes Keys. Certainly it cannot be, that your Majeſty ſhould dare either to contemn or condemn the belief of ſo many Ages, and the judgment of ſo many Kings, who have deſerved well of you. Do you not ſee, that by your Majeſties opinion they are deprived of Heaven, who left you a Kingdom, while you contend that they erred in the Worſhip of their Religion? By this means it would be, that whom the Univerſal Church believes to be Citizens of Heaven, and to reign as Coheirs with Chriſt in that everlaſting Countrey, you, who are deſcended of them, ſhould ſnatch them out of Heaven, and thruſt them into the bottomleſs-pit of Error, and the priſon of Helliſh torments. Do you not perceive your Bowels yearn at the Thought of ſo ungrateful an offence? Are not ſuch deliberations repugnant to your Royal temper? which nevertheleſs ſo many Nations of Europe *are forced to reprehend, while it diſſents from the Seat of the Apoſtles. Let the ſplendor of ſo great Glory allure your Eyes, which looks out of Heaven upon you, and reaches you out a hand ready to reduce, by your means, the Kingdom of* Britain *into the Sanctuary of God, with the conduct of Angels, and acclamations of Men. A long time ago, Chriſtian Religion lay all along in the World ſqualid and deform'd with anguiſh, affrighted with the threats of Tyrants: but that Emperor whom we owe to* Great Britain, Conſtantine *the Great, the Defender of the Popes Authority, and the Avoucher of the* Roman *Faith, did not only bring her out of her lurking places, but*

but called her to an Empire. He is a fit pattern of imitation for your Majeſty, not thoſe Kings who have tranſgreſſed and diſſipated the Everlaſting Covenant. We call you, O moſt wiſhed for Son, from this Watch-Tower of the VVorld, into the Society of his Glory: Add one day to your paſt years, which all Poſterity may celebrate with a grateful Memory. Put a Mitre of Eternal Glory upon your Head, that in the time of your Reign, we may ſay with the holy Apoſtle, I have ſeen a new Heaven in Britain, *and a new City deſcending from Heaven, and a Guard of Angels upon her Walls. If that ſhould come to paſs, we ſhall make reckoning, that our Reign hath been happy to Mankind. This our ſolicitude, we believe, will be ſo grateful unto you, that we verily hope, upon the receipt of our Letter, you will forthwith increaſe the advantage of the Catholicks which live there: Which if you ſhall do, you will exceedingly oblige us, and we ſhall conſign to you the King of Kings, debtor of ſo great benefit, who ſo long as he ſhall preſerve your Royal Family in eminent happineſs, ſhall ſecond the wiſhes of the* Roman *Church, and bring joy to the holy Prelates.*

illi qui ſunt tranſgreſſi diſſipantes fœdus ſempiternum. In ejus gloriæ Societatem nos ex hac terrarum ſpecula te vocamus, exoptatiſſime Fili. Impone præteritis annis diem unum, grata totius poſteritatis memoria celebrandum. Impone Mitram capiti tuo honoris æterni, ut te rerum potiente dicere cum Sancto Apoſtolo poſſimus, Vidi in *Britannia* Cœlum novum & Civitatem novam deſcendentem de cœlo, & ſuper muros ejus *Angelorum* cuſtodiam. Id ſi continget, Pontificatus noſtri tempora generi humano fælicia affulſiſſe arbitrabimur. Cæterum tibi Sollicitudinem hanc noſtram adeo gratam fore exiſtimamus, ut omnino ſperemus te his literis acceptis ſtatim Catholicorum iſthic degentium commoda auƈturum. Quod ſi præſtiteris, & nos tibi mirum in modum devinxeris, & Majeſtati tuæ tanti beneficii debitorem delegabimus ipſum Regem Regum; qui dum Regalem iſtam Domum illuſtri aliqua fælicitate ſoſpitabit, *Romanæ* Eccleſiæ votis annuet, & Sacrorum Antiſtitum gaudio conſulet.

Dated at *Rome* at St. *Peter's*, *ſub annulo Piſcatoris*, 15 Octob. 1623. The firſt Year of our Reign.

Datum Romæ *apud Sanctum* Petrum *ſub annulo Piſcatoris, die XV.* Oct. *M DC XXIII. Pontificatus* 1

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Nobiliſſimo Viro, Carolo *Principi* Walliæ, Urbanus *Papa Octavus.*

Pope *Urban's* Letter to Prince *Charles.*

NObiliſſime Princeps, ſalutem & lumen Divinæ gratiæ. Primæ literæ, quæ Nobis ad Apoſtolatus ſolium elatis redditæ ſunt, illæ fuerunt quas ad Sanctiſſimæ memoriæ *Gregorium* Decimum-quintum Predeceſſorem noſtrum ex *Hiſpania* miſiſti. Manus ad cœlum ſuſtulimus, & Patri miſericordiarum gratias egimus, cum in ipſo noſtri Regiminis exordio Pontificem *Romanum* ex Officii genere colere *Britanus* Princeps inciperet. Singulari noſtri quadam animi propenſione rei *Anglicanæ* jamdiu favemus, quo factum eſt, ut in hoc Antiſtitum Conventu, & Nationum Patria, *Scoti* tui, dum Cardinalem ageremus, ſe in noſtram potiſſimum fidem ac clientelam contulerint. Patrocinium autem tam ſplendidæ Provinciæ ſuſcipientes, identidem majorum tuorum res geſtas, & *Brittannicarum* Inſularum laudes contemplamur. Eos autem quo illuſtriores orbi terrarum anteactæ ætates oſtentabant, eo nos impenſius cupiebamus conſimilibus Chriſtianæ pietatis triumphis hæc tempora illic inſigniri. Cum autem Magnæ *Britanniæ* Rex, Pater tuus, non minorum ex diſciplinarum fama, quam ex potentiæ vi gloriam concupierit, optavimus ſemper, ſupra quam dici qoteſt, ei divinitus inſignem aliquam offerri occaſionem generis humani demerendi, & cœleſtis hæreditatis adipiſcendæ. Nunc autem adveniſſe tempus credimus quo votis noſtris frui liceat, cum ad tantum decus potentiſſimo parenti aditum patefacere in præſens videaris, Filius in maximarum rerum ſpem genitus. In ea enim ſententia ſumus ut arbitremur, tantum

To the moſt Noble Prince *Charles*, Pope *Urban* the Eighth.

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MOſt *Noble Prince, we wiſh you health, and the light of Gods Grace. The firſt* Letters *which were delivered to us, after we were preferred to the Throne of the Apoſtleſhip, were thoſe which you ſent out of* Spain *to* Gregory *the Fifteenth, of famous memory, our Predeceſſor. We lifted up our hands to Heaven, and gave thanks to the Father of Mercies, when in the very entry of our Reign, a Britiſh Prince began to perform this kind of obeiſance to the Pope of* Rome. *We have been a long time favourable to* England *by a Natural bent and inclination, whence it came to paſs, that your* Scotchmen *recommended themſelves to our eſpecial Truſt and Patronage in this Aſſembly of Prelates, and Countrey of all Nations, while we were yet Cardinal. When we undertook the protection of ſo famous a Kingdom, we did often contemplate the Exploits of your Anceſtors, and the Elogies of the* Britiſh *Iſlands; and by how much former Ages did repreſent them more glorious to the World, by ſo much did we more earneſtly deſire, that thoſe times might there be made remarkable with the like triumphs of Chriſtian Piety: And ſeeing the* King *of* Great Britain, *your Father, loveth no leſs the glory of Learning, than that of Might and Power; we have alwayes heartily wiſhed, above what we are able to expreſs, that God would be pleaſed to put into his hand ſome eminent occaſion, whereby to oblige Mankind, and obtain an eternal Inheritance. And now we believe the time is come to enjoy our wiſhes, ſince you ſeem at preſent to open the way for ſo great a fame to your moſt Noble Father, a Son begotten unto the hope of the greateſt concernments;*

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cernments; *for we are of opinion, that your ſo vehement deſire of a Catholick Marriage, is a certain voice of God calling you, and diſpoſing all things ſweetly. For it is not neceſſary, that the Omnipotent ſhould alwayes thunder with the voice of his greatneſs; becauſe ſecret Counſels themſelves, directing Men into the way of Salvation, are words by which the Eternal Wiſdom ſpeaks and declares the command of a Deity. VVherefore we have ever endeavoured, to the utmoſt of our power, that this honourable Marriage, by the bleſſing of God, might be finiſhed. From hence you may perceive, that none could have been advanced to this heighth of humane Affairs, from whom you may expect more expreſſions of good-will, or fruits of bounty. For your Anceſtors, which tamed Heretical impieties, and not onely reverenced, but vindicated the* Roman *Hierarchy, do recommend you a moſt Noble Prince, to the Papal Charity: For when Monſters of new Opinions broke into the Bulwarks of the Northern Ocean, they bridled the endeavours of the wicked with wholſome arms, and did not change the truth of God into a lie. And if you, as you write, ſhall in good earneſt glory more in the imitation of your Anceſtors, than that you are deſcended of Kings, we eaſily foreſee how great joy to the Church of* Rome, *and how great felicity to the Britiſh Kingdoms theſe words do promiſe, which deſerve to be writen in the Book of Life. Such good turns, O moſt deſired Son, the venerable Aſſembly of the* Scottiſh *Kings exacts and expects from you; whoſe Actions, without doubt, he condemns, who revolts from their Religion. The Catholick Kings of all* Europe *require this of you; for how can their Concord be the Vow of your care, as long as you diſſent from them in a matter of the greateſt importance, that is, in the veneration of holy Rites? The* Roman *Church, which* England *reverenced long ago, as the Miſtris of Truth, whoſe belief you*

tum quo flagras, Catholici conjugii deſiderium, quandam Dei te vocantis, & ſuaviter omne diſponentis, vocem eſſe. Nam opus Omnipotenti non eſt tonare ſemper voce magnitudinis ſuæ, quia ipſa arcana conſilia dirigentia mortales in viam ſalutis, verba ſunt quibus æterna ſapientia loquitur, & jubentis Numinis mandata declarat. Quare omni ſemper ſtudio elaboravimus, ut conjugium hoc honorabile, benedicente Domino, perficeretur. Hinc conjicere potes, non potuiſſe alium ad ſacrum hoc rerum humanarum faſtigium provehi, à quo plura ſperare poſſis documenta benevolentiæ & beneficentiæ fructus. Te enim Principem Nobiliſſimum Pontificæ charitati commendant majores tui, Hæreticæ Impietatis domitores, & *Romanæ* Hierarchiæ non cultores modo, ſed vindices. Ii enim cum dogmatum novorum portenta in ea Septentrionalis Oceani propugnacula irrumperent, impiorum conatus ſalutaribus armis compeſcuerunt, nec commutaverunt veritatem Dei in mendacium. Quod ſi, ut ſcribis, reipſa magis gloriaberis de avitæ imitatione Religionis, quam de Regii ſanguinis Heriditate, facile proſpicimus quantum ejuſmodi verba, in libro viventium exaranda, *Romanæ* Eccleſiæ lætitiam, & Britannicis Regnis fælicitatem polliceantur. Hæc à te beneficia, deſideratiſſime Fili, exigit atque expectat venerandum illud Regum *Scotorum* Concilium, quorum facta abſque dubio condemnat qui ab illorum Religione deſciſcit. Hoc à te Catholici totius *Europæ* Reges flagitant; quomodo enim eorum concordia poteſt votum eſſe ſolicitudinis tuæ, donec ab eis in maxima re, id eſt, in Sacrorum cultu diſſentias? *Romana* Eccleſia, quam Magiſtram veritatis *Anglia* tam diu coluit, cujus fidem tibi non inviſam eſſe fateris, cupit tibi cœleſtis Regni

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fores quam primum patefacere, & te in Majorum tuorum poſſeſſionem reducere. Cogita te nunc in *Hiſpania* Regia ſpectaculum eſſe factum Deo & hominibus, ſemperque fore deſiderium & curam Pontificatus noſtri. Cave ne conſilia eorum, qui terrenas rationes cœleſtibus antiferunt, obdurent cor tuum, nobiliſſime Princeps, lætifica tandem Militiam Cœleſtis exercitus, in tuis caſtris demicaturam, ac faventibus Angelis, hominibuſque plaudentibus, redi, Fili exoptatiſſime, ad Eccleſiæ te cupientis amplexus, ut in Matrimonio tuo geſtientes gaudio canere poſſimus, Dominus regnavit, & decore indutus eſt. Omnino qui Catholicæ Virginis nuptias concupiſcis, Cœleſtem etiam illam ſponſam tibi aſſumere debes, cujus forma ſe captum fuiſſe *Solomon* ille Reguum ſapientiſſimus gloriatur. Hæc enim ſapientia eſt, per quam Reges regnant, cujus dos eſt ſplendor gloriæ, & Principatus ſempiternus. Eam vero à terrarum contagione ſecretam, atque in ſinu Dei recubantem, in *Romanæ* Eccleſiæ Sanctuario Majores tui quæſiverunt. Qui tibi has hortationes conſcribimus, & benevolentiam Pontificiam teſtamur, cupimus perpetuis Hiſtoriarum Monumentis nomen tuum commendari; atque in eos Principes referri, qui præclarè merentes in terra de Regno Cœleſti, fiunt poſteritati virtutis exemplar & votorum menſura. Oramus Patrem luminum, ut beata hæc ſpes, qua nobis tanti Principis reditum, deducente Spiritu Sancto, pollicetur, quam primum ferat fructus ſuos, & Magnæ *Britanniæ* ſalutem, totique orbi Chriſtiano pariat lætitiam.

Datum Romæ *apud Sanctum* Petrum *ſub annulo Piſcatoris, Die* 15 Octob. 1623. *Pontificatus noſtri Anno Primo.*

you confeſs you hate not, deſires forthwith to open unto you the Gates of the Heavenly Kingdom, and to bring you back into the poſſeſſion of your Anceſtors. Think that now in Spain *you are become a Spectacle to God and Men, and that you ſhall alwayes be the deſire and care of our Reign. Take heed, moſt Noble Prince, that the counſels of thoſe who prefer Worldly intereſts before Heavenly, do not obdure your Heart. Make glad the Hoſt of Heaven, which will fight in your Camps; and return, O moſt wiſhed for Son, into the embraces of the* Church, *which deſires you with the applauſe and favour of Men and Angels; that ſo rejoycing in your Marriage, we may ſing with joy; The* Lord *hath reigned, and put on comlineſs. Certainly you, who deſire the Marriage of a Catholick Virgin, ought to eſpouſe the Heavenly Bride, with whoſe beauty* Solomon, *the wiſeſt of Kings, boaſts himſelf to have been enamoured. For this is the Wiſdom by which Kings Reign, whoſe Dowry is the ſplendor of Glory, and an Eternal Principality; and your Anceſtors ſought her in the Sanctuary of the* Roman *Church, ſevered from the contagion of the World, and repoſing in the wiſdom of God. VVe, who write to you this Exhortation, and teſtifie our Papal Charity, deſire to have your name renowned in the Hiſtories of all Ages, and that you may be recorded amongſt thoſe Princes, who deſerving well on Earth of the Kingdom of Heaven, are become the example of Virtue to Poſterity, and the meaſure of wiſhes. VVe beſeech the Father of* Lights, *that this bleſſed hope, by which he promiſeth us the return of ſo great a* Prince, *by the conduct of the holy Ghoſt, may forthwith fructifie and bring Salvation to* Great Britain, *and joy to all the Chriſtian VVorld.*

Dated at *Rome* at S. *Peter's*, *ſub annulo Piſcatoris, die* 15 Octob. 1623. in the Firſt year of our Reign.

Not-

21 *Jacobi*

Notwithstanding, this great business of State began to look with an ill aspect, by the concurrence of various passages, tending to a rupture of the Treaty. In *England*, the *Spanish* Ambassador's demands grew high and peremptory; yet the King; to give them content, directed the Lord Keeper, and other Commissioners, to draw up a Pardon of all Offences past, with a Dispensation for those to come, to be granted to all *Roman* Catholicks, obnoxious to any Laws against Recusants; and then A to issue forth two General Commands under the Great Seal of *England*: The one to all Judges and Justices of Peace; and the other to all Bishops, Chancellors, and Commissaries, not to execute any Statute against them.

The Treaty begins to tend to a rupture.

The General Pardon was passed in as full and ample manner, as themselves could desire, or pen it: But to that vast Prohibition to the Judges and Bishops, some stop was made by the advice of the Lord Keeper, for these Reasons.

The Prohibition to the Judges and Bishops in behalf of the Catholicks suspended.

B First, Because the publishing of this General Indulgence at one push, might beget a general Discontent, if not a Mutiny; but the instilling thereof into the Peoples knowledge by little and little, by the favours done to particular Catholicks, might indeed loosen the Tongues of a few particular Persons, who might hear of their Neighbour's pardon, and having vented their dislikes, would afterwards cool again; and so his Majesty might, with more conveniency, by degrees, enlarge his favours.

C Secondly, Because to forbid the Judges against their Oaths, and the Justices of Peace, who are likewise sworn to execute the Law of the Land, is a thing unpresidented in this Kingdom, and would be a harsh and bitter Pill, to be digested without some preparative.

The two Ambassadors with much ado consented, That the matter should rest till the end of Six months, or the *Infanta*'s arrival; yet they did it with a shew of discontent, as if the King performed nothing. The disaffection of these Ministers was supposed to be one rub in the way of this Alliance. And on the other side, some of the Prince's followers in D *Spain*, being zealous of the Protestant Religion, disliked the Match, and shewed their averseness to it. Sir *Emund Verney* struck an *English* man, a *Sorbon* Doctor, a blow under the Ear, for visiting and labouring to pervert one of the Prince's Pages, who was sick of a mortal Fever. Divers derided the Popish Ceremonies, and Spanish garb, and slighted the Countrey; and some committed irreverent actions in the King's own Chappel. Hereupon they began to disgust the English, and to rail at *Gondomar*, for informing the King and State, That the Prince might be E made a Catholick. Moreover, those many *Irish* that subsisted by Pensions from the Crown of *Spain*, did no good Offices; and the *French* and *Venetian* Ambassadors in that Court, were conceived not to be idle: But there were greater things than these. The Duke of *Buckingham*, the Prince's Companion and Guardian, was much disrellished by the Court of *Spain*. His French garb, the heighth of his spirit, and his over-great familiarity with the Prince, were things opposite to the way, and temper of that grave, sober, and wary People. And the Council of *Spain* took F exceptions, that he should come with such a superintendent power in that great affair among so many grave Statesmen, to the Prejudice of so able a Minister as the Earl of *Bristol*, who had laid the first stone in that building: Whereupon his power was called in question, and found imperfect, in regard it was not confirmed by the Council of *England*. Moreover, the Duke lay open to some affront, which enraged him sore against the

Some of the English in *Spain* dislike the Match and Religion.

The Duke disgusted in *Spain*.

Conde

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Conde Olivares; and things grew to that extremity between the Duke and that King's Miniſters, that they did not ſtick to ſay, That they would rather put the *Infanta* headlong into a Well, than into his hands. Nevertheleſs, in the Prince himſelf they obſerved an extraordinary well ſtaid temper, and grave comportment.

Buckingham and *Briſtol* run different ways.

In the preſent action, *Buckingham* and *Briſtol* ran different wayes, with great animoſity: *Briſtol* had the advantage in *Spain*, yea, in the Court of *England* he had gained a great eſteem, and powerful party, and had wrought himſelf into the King's opinion by his ſtrenuous Negotiation, and pleaſing Services. As concerning the Duke's demeanor, the opinions in *England* were very different: By the People in general, who loathed the March, he was favoured for his care of his King, Prince, and Countrey; but by the Court he was much maligned and cenſured, as the occaſion of thoſe delays, by diverting and changing the wayes wherein they began to treat: But the King himſelf was very reſerved, either ſtill loving the Duke, or over-awed by his intimacy and power with the Prince. For in all occurrences the Prince cloſed with him, and ſeemed to give him a large room in his heart. Now the Dukes Friends at Court preſſed him to return ſpeedily, and by all means with the Prince; and aſſured him, That the longer he ſtaid there, the ſtronger he made his Enemies, and himſelf the weaker.

The *Palatine*, by his Secretary labours to engage the Prince againſt the Marriage.

And *Buckingham* well obſerved, that he had little obligation to *Spain*, and had reaſon to ſeek ſome ſurer props to uphold his greatneſs, And to draw him further off, the Secretary of the Prince *Palatine* coming to *Madrid*, under pretence of praying the Duke to be God-father to one of his Maſter's Children, laboured to engage him againſt the Marriage: For the *Palatine* could not rely on the new overture of Marriage between his Eldeſt Son, and the Emperor's Youngeſt Daughter, it being a Labyrinth, out of which no Threed could guide him, were the Propoſals already granted: For being an Act of ſo many various parts, as the Pope, the Emperor, the King of *Spain*, the Duke of *Bavaria*, and divers others, it muſt needs be full of tedious intricacies. What Money or other conditions could be offered, that were like to ſatisfie the honour, humour, and huge expence of the *Bavarian*, for quitting his Conqueſt to an irreconcileable Neighbour? What Forreign Alliance is able to perſwade the Emperor, who hath changed all Tenures of Election into Succeſſion, and ſhaken the ancient Freedom of the *German* Princes, that he ſhould revive his Enemies dead Forces, to the prejudice of all that he enjoys, or aſpires unto? Would the Pope be won to ſuffer *Heidelburgh*, which he accounted the moſt dangerous Neſt of Hereticks, after *Geneva*, to return to her former ſtrength? Beſides the Education of the *Palſgrave*'s Son in the Emperor's Court, and the Sequeſtration of his Countrey, during his Son's Nonage, would be required as neceſſary to that conjunction.

The *Spaniard* continues new delayes.

By this time the King muſt needs be full of jealouſies, and the Prince's patience well nigh ſpent by the *Spaniard*'s intricate proceedings; for the Divines inſiſted ſtifly, That the Conſummation of the Marriage, and the delivering of the *Infanta*, ſhould be deferred to the next year; which ſeemed a rigorous Propoſal. Howbeit, that King promiſed to abate the rigor, and engaged himſelf to a accompliſh the Marriage at *Chriſtmas* following, if the Prince would continue there ſo long. But the Reſolution touching the delivering of the *Infanta*, was unalterable.

The Engliſh Papiſts perplexed.

The Engliſh Papiſts apprehending, that a Rupture was like to follow, were

were much perplexed: A great Stickler, Sir *Toby Matthews* by name, did preſs his Catholick Majeſty to give the Prince ſome foot of ground, upon which he might be able to ſtand with honour, in complying with that extraordinary affection which he beareth to the *Infanta*. Moreover he proteſted to him, That if the Catholicks of theſe Dominions ſhould grow liable to perſecution or affliction, by the occaſion of this breach, through the diſguſt of the King and his Council, or through the power which the *Puritans*, aſſembled in Parliament, will infallibly have with him, that blood or miſery may be partly required at their hands, who have adviſed his Majeſty not to accept thoſe large conditions which the King and Prince had condeſcended unto, and that more than Moral ſecurity, which they had offered for the performance thereof.

Now the Prince is thinking to leave the Court of *Spain*, and they ſay, he wrote to his Father a Letter of high deſpair, wherein was this paſſage; *You muſt now, Sir, look upon my Siſter and her Children, never thinking more of me, and forgetting that ever you had ſuch a Son.* Whereupon King *James* ſent ſwift diſpatches to haſten his return. The King and Council of *Spain* ſeemed to be ſtartled at theſe reſolutions, and his Majeſty importuned the Prince, That having ſtaid ſo many years for a Wife, he would ſtay ſome few Months longer: And if he pleaſed to give way that the *Infant*'s journey might be put off to the following Spring, he would give him a Blank to write his own Conditions touching the ſurrender of the *Palatinate*. But when his Highneſs urged Reaſons for his departure, they took the matter in debate afreſh, and conſented upon Oath firſt given, as well by his Catholick Majeſty, as by the Prince, to accompliſh the Marriage, and to make the Eſpouſals within Ten days after the Ratification ſhould come from *Rome*. To which purpoſe the Prince made a Procuration to the King of *Spain*, and *Don Carlos* his Brother, to make the Eſpouſals in his Name, and left it in the Earl of *Briſtol*'s hands. Nevertheleſs he left in the hands of one of the Duke's Creatures, a private Inſtrument, with Inſtructions to be delivered to the Earl of *Briſtol*, to ſtay the delivery of the Proxies, till further direction from him, pretending, That the *Infanta* might retire into a Cloiſter, and defraud him of a Wife. But theſe Inſtructions were to be concealed from the Earl, till the Ratification came from *Rome*.

The Prince ready to depart from the Court of *Spain*, leaves a Proxy with the Earl of *Briſtol*.

The Duke not regarding a ceremonious farewell at Court, departed haſtily a little before the Prince, pretending to prepare the *Engliſh* Navy that lay at the Port of St. *Andrew* for the Prince's tranſportation. *Olivares* and he had but a harſh parting; for he told *Olivares*, That he was obliged to the King, Queen, and *Infanta*, in an eternal tie of gratitude; and that he would be an everlaſting ſervant to them, and endeavour to do the beſt Offices for concluding the Match, and ſtrengthning the Amity between the Crowns: But as for himſelf, he had ſo far diſobliged him, that he could not, without flattery, make the leaſt profeſſion of Friendſhip to him. The *Conde* replied ſhort, That he accepted of what he had ſpoken. The Duke departing with ſo little ſatisfaction, the *Spaniards* concluded, that he would endeavour by all means poſſible to hinder the Marriage.

The Duke and *Olivares* part not friends.

But the Prince, for his part, had gained an univerſal love, and was reported by all, to be a truly Noble, diſcreet, and well-deſerving Prince; His grave comportment ſuited with the very *Genius* of that Nation, and he carried it, from the firſt to the laſt, with the greateſt affability, gravity, and conſtancy, and, at his farewell, with unparallel'd bounty; and he left

The Prince univerſally eſteem'd.

An. 1623. left behind him Gems of ineſtimable value for the *Infanta*, and ſeveral Grandees.

His departure ſolemn.

His departure from *Madrid*, being the Twelfth of *September*, was very ſolemn, the Queen and the *Infanta* were prepared in great magnificence, with a Train of Grandees and Ladies, to receive his Farewel: And among other paſſages, this one was taken to be an argument of the *Infanta*'s real love to the Prince, That ſhe cauſed many divine Duties to be performed, for the ſafety of his return into *England*. The King brought him on his way to the *Eſcurial*, and there feaſted him, and at the minute of parting, declared the Obligation which the Prince had put upon him, by putting himſelf into his hands, a thing not uſual with Princes; and he proteſted, That he earneſtly deſired a nearer Conjunction of Brotherly affection, for the more intire unity betwixt them. The Prince replying to him, magnified the high favours which he found, during his abode in his Court and preſence, which had begotten ſuch eſtimation of his worth, that he knew not how to value; but he would leave a Mediatrix to ſupply his own defects, if he would make him ſo happy as to continue him in the good opinion of her, his moſt fair and moſt dear Miſtris.

The Prince feaſted the *Dons* aboard his Ship, and bringing them back again to the ſhore, a Storm ſurpriſes them.

From thence he was attended with a Train of *Spaniſh* Courtiers to the *Engliſh* Navy, where he feaſted the *Dons* aboard his own Ship; and when he was bringing them back to ſhore, there aroſe a furious Storm, wherewith the Barge was ſo driven, that it could neither fetch the Land, nor make to the Ships again. The Night came on, and the Tempeſt and Darkneſs meeting, made their condition deſperate; till at length eſpying a light from a Ship, near which the Winds had driven them, they made towards it, and then with extreme hazard were reimbarqued.

It was obſerved, That the firſt words his Highneſs ſpake after he was embarqued, were, That it was a great weakneſs and folly in the *Spaniard*, after they had uſed him ſo ill, to grant him a free departure.

Expreſſions of joy for the Prince's ſafe return into *England*.

The Prince arrived at *Portſmouth*, *October* the Fifth, and no ſooner was he landed, but it appears, that he was the Kingdom's Darling, the Peoples Hearts did burn to ſee him, and unanimouſly praiſed God, without any Publick Edict of Thankſgiving. Publick Societies and Private Families every where abounded in all expreſſions, both of Religious and Civil rejoycing. When he entred *London*, the Bonefires, which the People's univerſal joy had kindled, ſeemed to turn the City into one flame.

Immediately after the Prince's departure from the Court of *Spain*, a rumour was ſpread, that the Ratification was come from *Rome*, and that it came plenary and abſolute. By which means, the Prince's private Inſtructions were anticipated by the Earl of *Briſtol*; for the *Junto* pretended full Warrant to proceed, and ſummoned the Earl of *Briſtol* to attend them, and earneſtly preſſed him, That the Articles might ſpeedily be ingroſſed and ſigned. Hereupon the Party in whoſe hands the Prohibition, left by the Prince, lay dormant, either conceiving the Ratification to be come indeed, or apprehending that it was the Prince's meaning to prevent the ſudden concluding of matters, delivered to *Briſtol* that Letter of private Inſtructions, the very Day that the Prince arrived at S. *Andero*. In reading it, the Earl was troubled exceedingly, and ſaid to the other, That it muſt for a time be concealed, leſt the *Spaniards* coming to the knowledge of it, ſhould give order to ſtay the Prince.

Private Inſtructions delivered to *Briſtol*, contrary to the Proxy.

It vexed *Briſtol*, that his Building of ſo many years ſhould at once be pulled in ſunder. He reſolves to wave this private Order, and if the Ratification

Ratification came, to deliver the Proxies, and to ſupport himſelf by his Publick Warrant under the Great Seal of *England*. Now the Prince and Duke being jealous that *Briſtol* would counter-work them, left Sir *Walter Aſton* joyned in Commiſſion with him, and accquainted *Aſton*, that the Princes meaning was never to Match there, without the reſtitution of the *Palatinate*, and the conſervation of his Honor in all reſpect intire. 21 *Jacobi.*

A

Immediately the Earl of *Briſtol* ſent diſpatches into *England*, laboring to ſatisfy the King and Prince in all things touching the Marriage: And ſhewing, that he had exactly ſet down the Caſe, how a Woman betrothed, may before the Conſummation of Marriage, betake her ſelf to a Religious life, and all the ſorts of Security for the preventing of ſuch a courſe; and that the King of *Spain*, his Siſter, and all his Miniſters do offer all ſecurity that may ſtand with decency and honor, for the performance of the whole agreement. And though the point of Portion were a tough and knotty piece, yet when by the original Papers, and *Conſulto's* of the laſt King, the *Junto* found it to be no leſs than Two Millions, they reſolved to make it good; notwithſtanding they alleadged that this ſum was four times as much as ever was given in Mony with any Daughter of *Spain*. Moreover he did woo the Prince by Argument, That as the King his Father, ſo himſelf had thought this to be the fitteſt Match in all the World: And though the *Spaniards* had committed many Errors, yet he had already paſſed them by, and overcome the main difficulties: That by his Journey he had ſatisfied himſelf of the *Infanta's* Perſon, who for her birth and portion, was no where to be matched; and, for her vertue and ſetled affection to his Highneſſes perſon, deſerved him better then any Woman in the world: That the Match was ſure, the Portion and Temporal Articles now ſetled, but the delay of the *Deſponſorio's* will grieve the Princeſs, and bring a cloud of diſtruſt and jealouſie upon the whole buſineſs. The perſonal diſtaſte of Miniſters indiſcreet and paſſionate carriages ſhould not hazard that which hath been brought to the preſent State with ſo much coſt, and pains and patience; and which being well accompliſhed, will procure ſo much good to the Chriſtian World. and contrariwiſe, ſo much trouble and miſchief, if it ſhould miſcarry and break to pieces. Now, upon theſe grounds and Motives he made Intreaty, That with all ſpeed a Poſt might be ſent unto him, bringing Authority to deliver the Powers upon the arrival of the Diſpenſation.

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C

D

Briſtol in a Letter gives the Prince a good account of the buſineſs.

But the Prince and *Buckingham* made haſte to engage the King, and making a plauſible Narration of their own proceedings, the *Spaniards* delayes, and *Briſtols* miſcarriages, drew him to alter the whole State of the Treaty. Hereupon, the King ſends an expreſs command to *Briſtol*, to deliver his thanks to the King of *Spain* for the high entertainment, perſonal kindneſs, reſpect, and favor, received by his Son the Prince, who was returned ſo well ſatisfied, as that he was not able to magnifie it ſufficiently. And further to let him know, That to make a firm and indiſſoluble union between their Families, Nations and Crowns, and withall not to abandon his own Honor, nor at the ſame time to give joy to his only Son, and to give his only Daughter her Portion in Tears, he had by the advice of that Kings Ambaſſadors entred into a Treaty for the Reſtitution of the *Palatinate*; that he always underſtood and expected that upon the effecting of this Marriage he ſhould obtain the reſtoring of his Son-in-law both to his Country and Dignity; and that the Emperor,

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F

King *James* falls off, and for a Condition of the Marriage, demands the Reſtitution of the *Palatinate*.

An. 1623. either by finding out ſome great **Title, or** by increaſing the number of the Electoral Stiles, might ſatisfie **the Duke of** *Bavaria.* And for theſe Reaſons the King commanded *Briſtol* inſtantly to procure from that King, a punctual Anſwer touching the courſe he reſolves to take, for the reſtitution of the *Palatinate*, and Electorate, and what aſſurance ſhall be given for his contentment, if the **Emperor or Duke of** *Bavaria* ſhould oppoſe any part of the expected reſtitution. Moreover, he gave direction, and ſignified his ſpecial deſire, that the Eſpouſals ſhould be made in one of the *Chriſtmas* Holy-days, **becauſe** that holy and joyfull time would beſt become an action ſo **notable** and bleſſed, A

Briſtol and *Aſton* demur upon the new Inſtructions,

The Earl of *Briſtol*, **with** the Concurrence of Sir *Walter Aſton*, took boldneſs to demur upon theſe new Inſtructions: and yet again to repreſent to his Majeſty the eſtate of theſe affairs; they inform him that by deferring the Eſpouſals till *Chriſtmas*, the powers were made altogether uſeleſs and invalid, there being a clauſe in the body of them, that they ſhall remain in force till *Chriſtmas* and no longer, and the ſuſpending of the execution of the powers, till the validity of them be expired, is an effectual revoking of them: Beſides the pretexts of this delay are no new, but old matters, which were often under debate, but never inſiſted on to retard the main buſineſs. And it will be thought, that they ſhould rather have hindred the Grant of theſe powers, than the execution of them being granted. Surely a ſtaggering in the Former reſolutions will be ſuſpected, and the clearing thereof between *Spain* and *England* will coſt much time. As concerning **the Prince** *Palatine*, it was the care of the Spaniſh Miniſters, that **that buſineſs** might be well compounded before the *Infanta's* **coming into** *England*: for they ſay, that otherwiſe they might give a Daughter, and a War preſently follow. Beſides, the Inſtructions given under **his Majeſties hands**, were indeed to inſiſt upon the reſtoring of the Prince *Palatine*, **yet not** ſo to annex it to the Treaty, as thereby to **hazard the Match: For he ſeemed** to be confident, that the one would never grow to a concluſion, without a ſetled reſolution to effect the other: And the Prince **and Duke** during their being in *Spain*, obſerved the ſame courſe. Moreover **the** *Palatinate* affairs have relation to many great Princes intereſſed **therein, and cannot** be ended but by a formal Treaty, which will require a **great** length of time; and if the concluſion of the Match ſhould depend **thereon**, the Prince **may** be long enough unmarried, for the advancement of their intereſt who deſire he ſhould ſo continue, or not match with *Spain.* B C D

The preparations for the Marriage go on chearfully, the Popes Diſpenſation is hourly expected, with an intention to demand the powers immediatley; and upon what pretext ſhall they be detained? Shall we alledge His Majeſties pleaſure, that the Solemnity be performed in the *Chriſtmas* holy days? but that is impoſſible, for the powers are then expired. Shall we urge the reſtoring of the *Palatine*? This was not made a condition, but was treated as a buſineſs apart. The delay of the *Deſponſario's* will put a ſcorn upon the *Infanta*, and upon the King of *Spain*, who hath called himſelf the *Infanta's Deſponſado.* And this cannot ſtand with that exact and honourable dealing which his Majeſty hath hitherto uſed. Now upon theſe Inducements, in the reſult and cloſe of all, the Ambaſſador humbly adviſed the King to return to the former ſtate of the Treaty, and to nominate a day for the delivery of the Proxies, and reſolved ſomewhat to protract the time for the receiving of his Majeſties further direction. E F

Thus

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Thus did the Earl of *Briſtol* endeavor to reſtore the buſineſs; and the better to bring it on, Sir. *Walter Aſton* labored to reconcile the Duke to *Spain* by this manner of Inſinuation: He believed that his Grace was infinitely provoked to be an enemy to this Match, and might have many Reaſons ſuggeſted, how much it concerned him to break it with all the force he hath, yet he could not believe that the Error of one man, can make him an enemy to that which carryes in it ſo much content to the King and Prince, nor that his judgment can be led by their Arguments, which, under color of ſafety, would bring him into a dangerous labyrinth. For the moſt proſperous War hath misfortune enough to make the Author of it unhappy; and how innocent ſoever his Grace might be, yet the occaſions which have been given him, will make him liable to ſuch an aſperſion. But if the Match proceed, and take effect, he will have the honour thereof, and the *Infanta* being duly informed, muſt needs acknowledg him to be the perſon unto whom, in that behalf, ſhe is moſt obliged.

Sir *Walter Aſton* endeavors to reconcile the Duke to *Spain*.

But theſe motions incenſed *Buckingham*: and now having the Prince linked to him, he could over-rule the King, and bear down all his Adverſaries. The Prince and the Duke began to take a popular way, and to cloſe with thoſe of the Privy Council and the Nobility that were oppoſite to *Spain*, and beſt liked of by the Puritan Party: They projected alſo the calling of a Parliament to conſult the Nation, and to clear the Kings integrity, and to gain to themſelves a great eſteem in the hearts of the people.

And ſome there were that ſuggeſted to the King, that the Dukes deſign was to prevent the Princes Marriage, not only with *Spain*, but any where elſe, that his own greatneſs might ſtill be abſolute. For, ſay they, were it love to his Country that led him to a breach and War with *Spain* there was as much reaſon for a breach of the Match and Peace, when the Parliament urged it, as now there is. And they ſaid that the approaching Parliament was to Marry the Duke to the Common-wealth, that he might ſtand not only by the King, but by the People and popular humor which of late he hath courted earneſtly; and ſo they warned the King to have more ſpecial care of his own preſervation.

Advice to the King touching the Duke.

But the Earl of *Briſtol* was ſtraightly commanded to follow the new Inſtructions; namely, before he deliver the Powers, or move to the Contract, to procure from the King of *Spain*, either by Publick Act, or by Anſwer, under his hand and Seal, a direct Engagement for the Reſtitution of the *Palatinate*, and the Electoral Dignity; by Mediation, or by the aſſiſtance of Arms, if Mediation fail; together with a limitation of the time, when the way of Mediation ſhall determine, and the aſſiſtance of Arms begin. And the King declared, That he had reaſon infinitely to think it requiſite to deal plainly and clearly with his Brother of *Spain* becauſe the *Berk ſtrot* in the *Palatinate*, the prime flower of his Son-in-laws Revenue was taken by the Arms of *Spain*, and put into the poſſeſſion of a *Spaniſh* Garriſon, or under their Command; and the Country or Revenue thereof, was contrary to the Contract with the *Infanta* at *Bruxels*; and upon an old pretence, freſhly delivered into the hands of the Biſhop of *Mentz*, being none of thoſe to whom Intereſt or Mediation had been formerly uſed, or thought of; who were only the Emperor, the King of *Spain* and Duke of *Bavaria*.

The Earl of *Briſtol* is commanded by the King to follow the new Inſtructions.

And concerning the Marriage Portion, he abſolutely rejected both Jewels and yearly Revenue, as contrary to the firſt Agreement, and ex-

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pected the Total ſum in *ſpecie*, at reaſonable times of payment. As touching the Eſpouſals, he commanded the ſuſpenſion of the Powers left, and ſent the Powers renewed by the Prince, for a larger time, that no blame might light on him, or his Son, in caſe that King could not give ſatisfaction in ſo ſhort a time, as that wherein the former powers would become invalid. In the mean while, he ſaid he was ready to propound good ways to ſatisfie the Duke of *Bavaria* in point of Title and Honour, and to continue the Negotiation for Matching the *Palatines* Eldeſt Son with the Emperos Daughter. A

The Earl of *Briſtol* had a difficult part to act in *Spain*, and in *England* the Duke ſet all his ſtrength to cruſh him. The Surrender of the *Palatinate* to the Kings contentment was not probable, after it was ranſacked and alienated, and as a common Booty ſhared in parcels to ſeveral Princes.

King *James* puts the Palatine in hope, by propoſal of new Terms.

Nevertheleſs, as yet the King hoped by Treaty to compoſe the whole buſineſs, and to ſatisfie the ſeveral Intereſt. And having by his continued patience and induſtry reduced Matters to a Circle of leſſer extent than the former generalities, tendred to the *Palatine* theſe terms of hope. In the firſt place, That he make a due ſubmiſſion to the Emperor under convenient Limitations, which ſhall firſt be granted in Conformity to that which is Noble, with Aſſurance requiſite for the free and ſafe going and return of his Perſon and Train. And that this being done, a Preſent and full Reſtitution of all the *Palatinate* ſhall be made to the perſon of his Son, and that he himſelf ſhall be his Adminiſtrator during life; and that after the Death of the Duke of *Bavaria*, his Son ſhall be eſtabliſhed in the Electoral Dignity. Moreover, if the Marriage between his eldeſt Son, and one of the Emperors Daughters ſhould take effect, it would enſure the enjoyment of all according to the preſent contract, and make way for the bettering of the Conditions to his own perſon. In contemplation of which Marriage the other party have approached a degree nearer, to wit, That the Electorate ſhall return to his own perſon after the Death of the Duke of *Bavaria*. And as touching the many difficulties in the Treaty of this Marriage, to wit, the Education of his Son, he had deviſed a way for the ſatisfaction of parties, which was, That he ſhould be brought up, neither at the *Hague*, nor in the Emperors Court, but with his own Son the Prince of *Wales*, and in the preſence of the *Infanta* of *Spain*, after her arrival in *England*. Upon theſe Overtures the King adviſed his Son-in-Law to have recourſe to his own Wiſdom, and after mature deliberation, to make a choyce agreeable to the honour and ſafety of his eſtates. And he delivered his own opinion, That a ready entrance into the poſſeſſion of his own eſtate, with a kind of preſent liberty, and an aſſurance in time to recover more, was to be choſen rather than his preſent bare condition and hazardous expectation upon other uncertain means. B C D E

Upon the tender of theſe Propoſals, Letters of Conſultation were ſent to the King from his Son-in-Law, and from Sir *Dudly Carlton* to the Duke of *Buckingham*; who, for the greatneſs of his power, was to be courted and made a friend in all tranſactions. F

The Palatines Anſwer to Thoſe Terms propoſed by the King.

To the ſubmiſſion in the firſt place required, reply was made, That in natural order, the reſtitution which was material and ſubſtantial, ought to precede the ſame, which was but a point of Ceremony, or at leaſt, it is neceſſary that all things be reſolved, and ſetled in ſuch aſſurances as ſhall be held convenient, otherwiſe a ſubmiſſion might be yielded

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yielded and the Reſtitution never follow. Beſides, if the Emperors intentions be ſincere, and real, and without any aims to take advantage upon the *Palſgraves* perſon (as the Emperor, *Charles* the Fifth, did upon the *Landgrave* of *Heſſen*, under the ſubtile diſtinction of a ſyllable in the ſafe conduct) the Submiſſion might as well be made by a Deputy; by which means he might be freed from thoſe apprehenſions, which the Executions at *Prague*, and other cruelties uſed by the Imperialiſts, might impreſs in his mind. Moreover, a Submiſſion under the ſpecified Condition of yielding the Electorate to the Duke of *Bavaria*, will prejudice his cauſe for ever: For the Electors of *Saxony* and *Brandenburg*, who have always proteſted againſt the Tranſlation, and the other Princes of *Germany* who have like-feeling, will diſavow their own proteſtations in reguard of him who ſhall abandon his own pretentions; and in ſtead of favoring him, may be made his enemies. The experience of things may ſhew what iſſue is like to follow a conſent to the like Conditions; for the Emperor had manifeſtly abuſed him in two Overtures alreday.

A

B

First the Inſtrument ſigned for the Conditional Reſignation of the Crown of *Bohemia*, in the year One thouſand ſix hundred twenty and one, ſerued the Emperor to accelerate the Treaty then on foot with *Bethlem Gabor*. Secondly, The Ratification of the Suſpenſion of Arms the laſt Summer, ſerved to intimidate the Electors of *Brandenburg* and *Saxony*, that they may not undertake any thing againſt the Emperor. For both the one and the other, were for theſe very ends divulged by the Emperor before any thing was therein concluded: And ſo will the Emperor make his advantage of the preſent Propoſition, both to hinder the Progreſs of *Gabor*, and to continue the intimidation of the Princes of *Germany*. Furthermore, in this Submiſſion it were neceſſary to take care that his undue Proſcription and Baniſhment, being to the prejudice of the Conſtitutions of the Empire, and held by the Electors of *Saxony* and *Brandenburgh* of no validity, may not be approved, and a mark of Infamy ſet upon the *Palatine* and his poſterity. And laſtly, ſhame and diſgrace will be the end of this Submiſſion, there being aſſurance of no better dealing than was uſed to the depoſed Houſe of *Saxony* by *Charles* the Fifth, an Emperor not worſe than this; the Heir of which Houſe, being one of the worthieſt Princes in *Germany*, is now in hard conditions before the eyes of the exiled *Palatine*.

C

D

Unto the ſecond point, the excluſion of the *Palſgraves* perſon and the ſetling upon his Son, it was thus replied, That *Spain* had always given hope, and the Earl of *Briſtol* great aſſurance even when the Marriage was not ſo far advanced as now it is: That in caſe of the Emperors refuſal, they would aſſiſt his Majeſty, and Compell the Emperor to an entire Reſtitution. Beſides, there is little ground of hope from theſe Treaties as they are managed, and wire-drawn by the Houſe of *Auſtria*, from whom we have ever new overtures in Winter, and new ruptures in Summer: For the Emperor wanteth but two or three years-leiſure, which he will eaſily gain by a Treaty of Marriage, to eſtabliſh in *Germany* the Tranſlation of the Electorate and *Palatinate* without any hope of Recovery: Therefore ſufficient Aſſurances ſhould ever precede the Treaties: for the preſent ſeaſon did offer a very fair opportunity of recovering the Eſtate and Dignity.

E

F

The *Palatines* pretentions were not prejudiced by a long interpoſition of time, the memory of the undue proceedings in the *Ban*, and the Tranſlation and the ſeiſure of his Inheritance are freſh in the minds of the Princes,

An. 1623. Princes, who by their own Intereſts are moved to a greater compaſſion. As for the hope of Reſtitution from the Match with *Spain*, there is little reaſon to put a difference between the *Spaniards* and the *Imperialiſts*, who have with joynt conſent conſpired the ruine of the *Palatinate*, with the ſame Forces, Counſels and Deſignes: And whileſt things have been ſome times upon terms, and always in talk of an Accommodation, the Electorate is given to the Duke of *Bavaria*, and avowed by a Congratulatory Meſſage from the Arch-Dutcheſs; the upper *Palatinate* is ſetled in the *Bavarians* poſſeſſion, and a Portion allowed the Duke of *Newburg* for his contentment. A principal part of the Lower *Palatinate* is given to the Elector of *Mentz*, by the conſent of thoſe at *Bruxels*, and the reſt is promiſed to be parcelled among other Princes. A

Now for the hopes of a ſurer way to regain an happy ſettlement, by the Concurrance of the King, his Allies and Confederates, and the whole Proteſtant Party in *Europe*; let theſe Matters be weighed in the balance of Common Judgement. The Electors of *Saxony* and *Brandenburg*, and all the Princes, ſave thoſe of the Catholick League, have declared, That the Peace of *Germany* depends upon the reſtoring of the *Palatine*: Beſides, the Levies which they made in the begining of the laſt Summer, (though by the unfortunate accident of Duke *Chriſtian* of *Brunſwick*, they were ſoon diſmiſſed) do teſtifie the ſame affections ſtill remaining in them, and the ſame Reſolutions to embrace any good occaſion for recovering the liberty of *Germany*. B The number of thoſe that have this conjoyned Intereſt, is great and mighty, yea, the greater part of the people, both Horſe and Foot, which marched under the Catholick Banner, were of a contrary Religion and affection, and more inclined to the ruine, than preſervation of the Catholick League: all that is wanting in the concurrence and conduct of ſome great Prince that may ſupport them againſt the Houſe of *Auſtria*: The King of *Denmark* being a Prince full of circumſpection, and being unwilling to enter into play alone, made anſwer to all inſtances, That as other Princes have their eyes on him, ſo he hath his eyes one the King of *Great Britain*. C Wherefore, although for theſe two or three years paſt, Affairs on this ſide have gone in a continual decadence, and a final ruin be now threatned, unleſs it be withſtood by ſome Princely reſolution, not of petty, but of great Princes; yet there is no ſuch deſpondency in the good party, but ſufficient vigor yet remaining, not only to ſubſiſt, but to raiſe and flouriſh again. And one of thoſe Kingdoms which are in his Majeſties poſſeſſion having wrought great effects in the affairs of *Europe*, even when counterballanced by the other two, doth demonſtrate what may be done by the joynt forces of all three together, eſpecially when the peoples affections are raiſed to the enterpriſe. D Thus did the *Palſgraves* Counſels diſſent from our Kings Propoſals,

And there were not wanting, both of the Kings Counſel at home, and of his Agents in Foreign parts, ſuch as frequently warned him of the diſappointment and diſhonour that would follow thoſe wayes of Treating with implacable, though flattering Enemies, and ſhewed him the ſure and honourable way of re-eſtabliſhing his Children in their Patrimony; not by their Enemies courteſie; but by the united ſtrength of the Proteſtant Arms in all parts of Chriſtendom; of which party, the King might have made himſelf the head and great Commander. E

The *Netherlands* appear ready to embrace the antient Union with *England*.

In the languiſhing, and almoſt expiring Condition of the Spaniſh Treaty, the United Provinces in the *Netherlands*, appeared ready to embrace the opportunity of renewing the antient Union with *England*, in F all

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all mutual confidence, and ſtrong aſſurance. And the King was moved to return to thoſe old Confederates the ſureſt ſupports of his Crowns and Family: For it hapned that in latter times, a diſtruſt and ſtrangeneſs had grown betwixt them. *Bernevelt* and the *Arminian* Faction had drawn the States to new Alliances, and commonly procured Anſwers to be given to King *James*, and his Miniſters, in a harſh and peremptory ſtile. In like manner the King did not care to own them fully, eſteeming them
A an evil example for a Monarch to cheriſh. Nevertheleſs, he did them many good turns worthy of acknowledgment, and particularly in oppoſing the Faction of *Arminius* and *Vorſtius*, and the reſt of that ſort, who cauſed great diſtractions in the Belgick Church and State: Nay, he was thought to have done more than requiſite, in rendring the Cautionary Towns, and in conniving with too much patience at the inſolencies and miſdemeanors of their Marriners. But the Prince of *Orange* expreſſed
B good will to an intire friendſhip with *England*, and aſſured the Engliſh Reſident at the *Hague*, that whenſoever the King would be to thoſe Provinces, as Queen *Elizabeth* was in her time, they would be the ſame to him, as they had been to Queen *Elizabeth*: But as yet they keep themſelves reſerved, becauſe they ſuſpect that the Introductions, and Tentatives to a Union with them, have been to no other end, but to indear the Engliſh Marchandize, and to inhaunce its prize to the King of *Spain*: For they conclude, that *Spain* will never Match with *England*, but for hope, or fear; hope of reducing thoſe Provinces by the Match, or fear,
C if the Match proceed not, that the King will joyn with the Provinces in oppoſition to *Spain*; and in either of theſe caſes they hold the Match as made: As for themſelves, they repreſent this aſſurance of a firm Conjunction; for that inſtead of giving an ear to Overtures and Conceſſions; which from day to day were preſented to them, they have put themſelves to the offenſive, by preparing a ſtrong Fleet, which is ready to ſet ſail to the *Weſt-Indies*, to the end they may at leaſt interrupt the peaceable Annual return of the Gold and Silver of thoſe parts, by which
D the Houſe of *Auſtria* do continually advance their greatneſs. And this preparation, together with their Voyages into the *Eaſt-Indies*, will make them irreconcileable to *Spain*.

Theſe enterpriſes were commended to the King, as approved by all good men, to be a principal means to caſt down the fearfull power of *Spain*: Only it was too vaſt a deſign for that little Country; but if the King were pleaſed thoroughly to cloſe with them, their Affections and conſtant intereſt would ſo bind them to him that he might abſolutely
E diſpoſe of them, and by their Forces by Sea and Land, conjoyning with his own, be able to give the Law to *Europe*. And the preſent ſtate of the Provinces might incite the King to this Conjunction. For the laſt Summer, if the *Imperialiſts* had joyned with the *Spaniards*, they had undoubtedly made an irruption into the borders of that State; and they are like to break in this next year, except ſome notable Turn ſhall intervene; and then our beſt Link for a Bond of Friendſhip is broken, and thoſe Provinces of a ſtrong Staff will become a broken Reed. Such repreſentations
F were made to the Court of *England*; but, the Counſels then prevailing were not propenſe to this Conjunction, and Intereſt, although we were then breaking with *Spain*, and the Houſe of *Auſtria*.

About the beginning of *December*, when the Ratification came from the new Pope, Bonfires were made throughout all *Spain*, and the great Ordnance thundred out reports of joy: And that King, to ſatisfie his Oath

The Ratification come from the new Pope; and when all is ready for the Eſpouſals, then is the Match daſht by order from *England*.

An. 1623. Oath made to the Prince of *Wales*, prepared for the Eſpouſals, and a day was prefixed, and all thing appointed for the Solemnity, according to the Magnificence of that Court. The *Infanta*'s Family was ſetled, her Officers diſtinguiſhed, and the beginning of *March* was the time for her journey into *England*. From the Prince's departure, ſhe had applyed herſelf to the learning of the Engliſh Tongue. The Engliſh Ambaſſadors carried themſelves like Subjects towards her, As being their Maſters Wife, or Spouſe. Many rich preſents had ſhe prepared for her future Lord and Husband. And the Earl of *Briſtol* had provided many coſtly Liveries for his Attendants in the Solemnity of the Eſpouſals. But all things were inſtantly diſcompoſed by the opening of the new commands from *England* to the Earl, which were to procure an intire ſurrender of the *Palatinate* and Electorate, before he move one ſtep further towards the Contract. A

In the Court of *Spain* there was great reſentment of theſe new delays, and they diſcerned a breach towards: The *Infanta* gave over the ſtudy of Engliſh, and was no more ſtiled the Princeſs of *England*; but to the Demands from *England*, the King of *Spain* replied, That if a Treaty be ſet on foot, and the Emperor, and the Duke of *Bavaria*, will not come to Terms of Conformity, he will joyn Arms with *England*, to recover the *Palatinate*: The *Spaniards* confeſſing the Demand juſt, but unſeaſonable, profeſſed, the *Deſponſorio*'s paſt, the *Infanta* on her knees ſhould have been a Suitor to the King to reſtore the *Palatinate*, making it thereby her act, and drawing the Obligation wholly to her. Theſe offers did not ſatisfie, *Briſtol* was called home, and all was daſhed to pieces. B C

It was an amazement to the Chriſtian World, that when the Match was brought to ſuch perfection, the motion ſhould be rejected by that ſide which purſued it with ſo much eagerneſs and patience, as being the maſter-piece of all their deſignes.

In the latter part of this long tedious act, the *Spaniard* appeared real, but in the former part their reality was queſtionable: For our parts the buſineſs ſhall remain as we find it, a dark *Riddle* and *Myſtery*. D

Briſtol ſends his Apology to K. *James* for having demurred upon the new Inſtructions

The Earl of *Briſtol* having demurred upon the new Inſtructions, to prevent (as he deſired) the embroyling of the whole Treaty, was to make his Apology to the King his Maſter, and for himſelf he thus pleaded, That he underſtood the *Infanta* was his young Maſters Wife, or Spouſe at leaſt, and that both the King and Prince infinitely deſired the Match; The powers were drawn by the intervention of both parties, the King of *Spain* accepting them, and the Prince legally delivering them and they were depoſited with him in truſt, as the Ambaſſador of the King of *Great Britain*, with a Publick Declaration, how and when he was to deliver them; and this was drawn into an Inſtrument by the Secretary of State: According to this ſtate of things, he appeals to any Cenſure, which were the more prudent, honeſt, and dutiful way; whether to put a diſgrace upon ſo great and worthy a Princeſs, who was to be his Maſters Wife, and a ſcorn upon the King of *Spain*, by nominating a day for the Marriage, when the powers would be expired, and not at all to inſiſt upon making good the Publick Truſt repoſed in him by two ſo great Monarchs, to the hazard and overthrow of ſo great and important a buſineſs; or contrarwiſe to repreſent to his Majeſty the ſtate of things in Truth and Sincerity with his humble opinion of the wrong and diſgrace to the *Infanta*, by deferring the Marriage, and of the indignity offered to the E F

King

King of *Spain*, and the danger of the whole Treaty, by the detention of the powers, without the pretence of ſome emergent cauſe: And after all this, when his Majeſty had declared his pleaſure, there was ready an exact obedience. Wherefore in the confidence of his own Innocency, he profeſſed as great a confidence of his Majeſty's accuſtomed grace and favour.

Briſtol being called home, acquainted the *Conde Olivares* with the Letters of Revocation, and deſired withal to have a day aſſigned him to
A take his leave of the King. *Olivares* anſwered, That he had much to ſay to him by his Majeſty's order: and ſpake to this effect in the preſence of Sir *Walter Aſton*, and the *Conde Gondomar*: That the King had received large advertiſements, with what malice and rancor his Enemies did proſecute him, and how powerful they are in *England*; And in regard that the envy which was drawn upon him proceeded from his earneſt endeavours to accompliſh the Match; and that the particular fault laid to his charge,
B was, in point of delivering the Proxies depoſited in his hands, that his Majeſty takes it to heart, and judgeth himſelf touched in his honour, if for this cauſe his enemies ſhall prevail ſo far, as to work his ruine or diſgrace: And therefore he will write to the King of *Great Britain*, and ſend a particular Ambaſſador, if it be needful, to mediate for him; for that he had ſerved his Maſter with that exactneſs and fidelity, which deſerved not only to be aſſiſted by all good offices, but to be rewarded and publiſhed: And his Majeſty, for the example of his own Subjects, and for encouragement of all ſuch as ſhould ſerve their Princes with the
C like loyalty, had ſent him a Blank, ſigned by himſelf, wherein he might ſet down his own conditions, both in point of Title and Fortune. And this he did in no wiſe to oblige another Prince's Subject, but only to give encouragement to honeſt and faithful proceedings: And therefore he would not make theſe offers in private, but open and juſtifiable to all the world: And would accompany all that he ſhould do with a Declaration or Patent, That what he had done for the Earl of *Briſtol*, was for the fidelity wherewith he had ſerved his own Maſter.

Olivares offers *Briſtol* large Preferments in the King's name, when he was to take his leave.

D Hereunto the Earl made anſwer, That he was ſorry, and much afflicted to hear ſuch language; and deſired that they ſhould underſtand, that neither this King nor *Spain* were beholding to him; for, whatſoever he had done, he thought the ſame to be fitteſt for his Maſter's ſervice, and his own honour, having no relation to *Spain*; and that he ſerved a Maſter, from whom he was aſſured both of juſtice and due reward; and nothing doubted, but his own innocency would prevail againſt the wrong intended by his powerful Adverſaries: And were he ſure to run into im-
E minent danger, he had rather go home, and caſt himſelf at his Maſter's feet and mercy, and therein comply with the duty and honour of a faithful Subject, though it ſhould coſt him his head, then be Duke or Infantado of *Spain*: And that with this reſolution he would imploy the utmoſt of his power to maintain the amity between the two Kings and their Crowns, and to ſerve his Catholick Majeſty.

Briſtol's Anſwer to thoſe Profers.

After he had taken his leave, and was ready to come away, he had another profer made unto him, in private, of Ten thouſand Crowns, to take
F with him in his purſe, to make his way, and go through with his troubles, if haply his own monies might be ſeiſed upon: And it was told him, no body ſhould know it. Yes, ſaid he, one would know it, who, he was aſſured, would reveale it to his Majeſty; *viz.* the Earl of *Briſtol* himſelf; and it would make him not ſo clear in his own heart as now he was; And ſo he refuſed the offer.

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The *Spaniards* prepare for a War with *England.*

The Match was now truly broken, but as yet the breach was not declared, nor the Treaty quite fallen to the ground, but continued after a languiſhing manner in the hands of Sir *Walter Aſton.* The *Spaniards*, by all advertiſements from *England*, were adviſed to expect a War; and accordingly they went ſeriouſly to work, and prepared themſelves for what might happen; and *Aſton* being there upon the place, conceived it high time, that King *James* ſhould reſolve upon ſome courſe to allay the ſtorm ariſing, or to go hand in hand with them in equal preparations. All that was left alive of the Marriage-buſineſs, was no more, then that thoſe Jewels which the Prince had left at his Farewell, were not yet returned: But if the Letter then expected from *England* brought no better Anſwer to their laſt offer concerning the *Palatinate*, then ſuch as they had hitherto received, they will return the Jewels, and declare the Marriage broken. For by this time they had received intelligence, of the Prince's treating a Marriage with a Daughter of *France*, the Lady *Henrietta Maria.* And ſo it was, that King *James* had lately ſent the Lord *Kenſington*, after wards Earl of *Holland*, to enquire covertly, whether the Match were feaſible, before he would enter into a publick Treaty. A B

The Lord *Kenſington* ſent Ambaſſador into *France*, to feel the pulſe of that Court touching a Match; renders an account of his acceptance.

The Lord *Kenſington* returned this accout of his Negotiation: That there appeared in the face of that Court an extraordinary ſweetneſs, ſmoothneſs, and clearneſs towards an Alliance with *England*; the Princeſs herſelf was obſerved ſeldom to have put on a more cheerful countenance, then ſhe had done the firſt night of his appearance in that Court; The Queen, though a Daughter of *Spain*, wiſhed this Match more, then that intended with her own Siſter; and the Queen-mother who will have the chief ſtroke in the buſineſs, expreſſed her good-will and favour, as much as might ſtand with her Daughter's honour. For the *French* obſerve the aſpiring of the King of *Spain* to the Monarchy of Chriſtendom, and his approaches to the Kingdom of *France*, and his incompaſſing it on all ſides: and they diſcern'd, that an Alliance with *England* is the ſureſt way to oppoſe the mightineſs of that King: and upon the ſame account, they promiſed brave aſſiſtance to the United Provinces, gave great encouragement to Count *Mansfield* and Duke *Chriſtian* of *Brunſwick*: A Gentleman of the Religion was ſent to *Liege*, to offer them the King's protection, if that Town would ſeek it. Nevertheleſs they have not directly embraced this overture of Marriage, becauſe we have not as yet wholly abandoned the Treaty with *Spain*; leſt they ſhould loſe the Friendſhip of a Brother in law, to gain another which may poſſible fail them. But they ſay, that their hearts are not capable of more content, then to ſee this Motion upon a publick Commiſſion, and all that may touch upon the way of *Spain* diſſolved. Neither are they like to ſtrain us to unreaſonable Conditions, in favour of the Roman Catholicks in his Majeſty's Dominions: For in that matter their pulſe beat ſo temperately, as to promiſe a good *Criſis* therein: And, in caſe his Majeſty be drawn to baniſh the Prieſts and Jeſuits, and to quicken the Laws againſt other Catholicks, to keep a good intelligence with his Parliament; yet, they ſay, they hope he will not tie his hands from ſome moderate favour, to flow hereafter from the mediation of that State, which is all they pretend unto for the ſaving of their honour, who otherwiſe would hardly be reputed Catholicks. C D E F

Thus the Lord *Kenſington* having rendred an accompt of his diligence, adviſed to go on roundly with the Match, leſt otherwiſe, though never ſo well affected, they be altered with the Arts of *Spain*: For (ſaith he) un-

undoubtedly the King of *Spain* will reſolve, if poſſible, to oblige one ſide; and, as the *French* do think, he may pleaſe *England* with the reſtitution of the *Palatinate*, ſo we may think, he will pleaſe the *French* with rendring of the *Valtoline*. But without the aſſiſtance of a Parliament, and compliance with the People, the King could not go through with thoſe weighty works which he was now to take in hand. Now the things which troubled the People, were ſet forth to the King in three particulars: As, *That for the Subſidies granted in the two laſt Parliaments, they received no retribution by Bills of Grace: That ſome of their Burgeſſes were proceeded againſt after the Parliament was diſſolved: and that when they have ſatisfied the King's demands, he will nevertheleſs proceed to the concluſion of the Spaniſh Match.* Hereupon ſome of his neareſt Counſel perſwaded him to begin the work, by removing the peoples jealouſies, and to *caſt ſome crums of his Crown amongſt them, & thoſe crums would work miracles, and ſatisfie many thouſands* And whereas the aim of the former Treaties was, the ſetling of an univerſal peace in Chriſtendom, and ſince the malice of deceitful men hath croſt thoſe fair ways, abuſing his Majeſty's truſt and goodneſs, he muſt caſt about, and ſail by another point of the Compaſs, whereby he might ſecurely and eaſily attain to his noble and pious ends. The means whereunto were theſe: Firſt, that his enemies know the *Lion* hath teeth and claws: Next, that he embrace and invite a ſtrict aſſociation and friendſhip with thoſe, whom neighbourhood, alliance, and common intereſt of State and Religion had joyn'd to him. *Feb.* 19. the Parliament began at *Weſtminſter*, the King being ſet in the Throne, ſpake thus.

The King adviſed to call a Parliament.

The King's Speech to the Parliament.

" I Have aſſembled you at this time, to impart to you a ſecret and matter " of great importance, as can be to my State, and the ſtate of my Chil- " dren: wherein I crave your beſt and ſafeſt advice and counſel according " as the Writ, whereby you were aſſembled, imports, *That the King would* " *adviſe with you in matters concerning his Eſtate and Dignity.* And as I have " ever endeavoured, by this and the like ways, to procure and cheriſh the " love of my people towards me, ſo I do hope, and my hope is exceeded by " faith; for I fully now believe, that never any King was more beloved of " his People; whom as you, my Lords and Gentlemen, do here repreſent, " ſo would I have you truly to repreſent all their loves to me; that in you " as in a true Mirror or Glaſs, I may perfectly behold it, and not as in a falſe " Glaſs, that repreſents it not at all, or otherwiſe then it is indeed. Give me " your free and faithful counſels in the matter I propoſe, of which you " have often heard, the *Match of my Son*: wherein, as you may know, I " have ſpent much time, with great coſt, in long Treaties, deſiring always " therein (& not without reaſon hoping to have effected my deſires) the " advancement of my State and Children, and the general Peace of Chri- " ſtendom, wherein I have always conſtantly laboured, depending upon " fair hopes and promiſes. At the earneſt inſtance of my Son, I was content- " ed (although it was of an extraordinary nature) to ſend him to proſe- " cute his deſires in *Spain*; and for his more ſafety, ſent *Buckingham* (in " whom I ever repoſed moſt truſt of my perſon) with him, with this com- " mand, *Continually to be preſent with him, and never to leave him, till he had* " *return'd again ſafely unto me.* Which he perform'd, though not with that " effect in the buſineſs that I expected, yet not altogether without profit; " for it taught me this point of wiſdom, *Qui verſatur in generalibus*, is eaſily " deceived, and that *Generality* brings nothing to good iſſue; but that be- " fore any matter can be fully finiſhed, it muſt be brought to particulars: " For, when as I thought the affair had been before their going, produced

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" to a narrow point, replying upon their general propoſitions, I found
" when they came there, the matter proved to be ſo raw, as if it had ne-
" ver been treated of; the generals giving them eaſie way to invade,
" and affording them means to avoid the effecting of any thing.

" The particulars that paſſed in the Treaty, I mean not now to diſco-
" ver to you, the time being too ſhort; I refer you to *Charles* and *Buck-*
" *ingham*, and the Secretarie's Reports, who ſhall relate unto you all the
" particulars. And after that, *Super totam materiam*, I deſire your beſt aſſi- A
" ſtance to adviſe me, what is beſt and fitteſt for me to do, for the good of
" the Common-wealth, and the advancement of Religion, and the good
" of my Son, and my Grandchildren of the *Palatine*. And of our Eſtate, I
" know you cannot but be ſenſible, conſidering that your welfare conſiſts
" in ours, and you ſhall be ſure to have your ſhare in what miſery ſhall be-
" fall us: And therefore I need to urge no other Argument to you in this
" behalf, in offering me your wiſeſt and ſureſt counſel and furtherance.
" And I aſſure you in the faith of a Chriſtian King, that it is *res integra* B
" preſented unto you, and that I ſtand not bound, nor either way en-
" gaged, but remain free to follow what ſhall be beſt adviſed.

" To plant is not ſufficient, unleſs, like good Gardiners, you pluck up
" the weeds that will choak your labours: And the greateſt weeds among
" you, are Jealouſies; root them out. For my actions, I dare avow them
" before God; but Jealouſies are of a ſtrange depth. I am the Husband, and
" you the Wife, and it is ſubject to the Wife to be jealous of her Husband:
" Let this be far from you! I can truly ſay, and will avouch it before C
" the ſeat of God and Angels, that never King governed with a purer, ſin-
" cerer, and more uncorrupt heart, then I have done, far from all will
" and meaning of the leaſt error or imperfection of my Reign.

" It hath been talked of my remiſneſs in maintenance of Religion,
" and ſuſpition of a Toleration: But, as God ſhall judge me, I never
" thought nor meant, nor ever in word expreſſed any thing that ſavoured
" of it. It is true, that at times, for reaſons beſt known to my ſelf, I did
" not ſo fully put thoſe Laws in execution, but did wink and connive at D
" ſome things, which might have hindred more weighty affairs; but I ne-
" ver, in all my Treaties, ever agreed to any thing, to the overthrow and
" diſagreeing of thoſe Laws, but had in all a chief preſervation of that
" Truth, which I have ever profeſſed: And, as in that reſpect, I have a
" charitable conceit of you, I would have you have the like of me alſo,
" in which I did not tranſgreſs: For it is a good Horſe-man's part, not al-
" ways to uſe his ſpurs, and keep ſtraight the reins, but ſometimes to uſe the
" ſpurs, and ſuffer the reins more remiſs; ſo it is the part of a wiſe King, E
" and my age and experience in Government hath informed me, ſome-
" times to quicken the Laws with ſtreight executions, and at other times,
" upon juſt occaſion, to be more remiſs. And I would alſo remove from
" your thoughts all jealouſies, that I might, or ever did queſtion or in-
" fringe any of your lawful Liberties or Priviledges; but I proteſt be-
" fore God, I ever intended you ſhould enjoy the fulneſs of all thoſe that
" former times give good warrant and teſtimony of, which, if need be,
" I will enlarge and amplifie. F

" Therefore I would have you, as I have in this place heretofore told
" you, as S. *Paul* did *Timothy*, avoid genealogies and curious queſtions,
" and nice querks and jears of Law, and idle innovations; and if you mi-
" niſter me no juſt occaſion, I never yet was, nor ever ſhall be curious or
" captious to quarrel with you: But I deſire you to avoid all doubts and

" hind-

21 *Jacobi.*

"hindrances, and to compoſe your ſelves ſpeedily and quietly to this "weighty affair I have propoſed; for that I have found already, delays "have proved dangerous, and have bread diſtraction of this buſineſs; and "I would not have you by other occaſions to neglect or protract it. *God* "*is my Judge*, I ſpeak it as a Chriſtian King, Never any wayfaring man, "that was in the Deſarts of *Arabia*, and in danger of death for want "of water to quench his thirſt, more deſired water, then I thirſt and deſire "the good and comfortable ſucceſs of this Parliament, and bleſſing upon "your Counſels, that the good iſſue of this may expiate and acquit the "fruitleſs iſſue of the former, And, pray I God, your Counſels may ad- "vance Religion, and the Publick weal, and the good of me and my "Children.

Febr. 21. The Commons preſented Sir *Thomas Crew* for their Speaker, who prayed an excuſe; which being denied, he made this Speech.

The King approves Sir *Tho. Crew* for Speaker, who made this Speech.

"SInce I cannot bring an Olive-branch in my mouth, as a ſign of my "peace, and that God (in whoſe hands are the hearts of Kings) "without whoſe providence a Sparrow doth not fall to the ground, "whom no man can reſiſt, hath inclined your Majeſty to caſt your eye "of grace on me, and to confirm me in this place. I am taught in the "beſt School, that *Obedience is better then Sacrifice.* And will only ſay "with a learned Father, *Da Domine quod jubes, & jube quod vis.* Other- "wiſe I have great cauſe to be afraid of ſuch a Charge, to be executed "before ſo great a Majeſty, and in ſo great an Aſſembly, but that I hope "your Majeſty will extend your Scepter of grace, as *Ahaſuerus* did, to "ſuſtain me in my fainting.

"Your Majeſty is *Princeps Hæreditarius*, deſcended from both the "Roſes, and hath united both the Kingdoms: At your firſt entrance you "wrought a wonder in the tumult of our cares, and clowd of our fears, "hapning upon the death of the late Queen, by the bright beams of your "Sunſhine; which a Poet elegantly expreſſed, *Mira cano, ſol occubuit, nox* "*nulla ſecuta eſt.* There was a *David* in *Hebron*, and no *Iſhboſheth* to di- "ſturb your peaceable entrance, but the Acclamations of all your Sub- "jects and Commons, concurring to expreſs their great contentment. "This was no ſudden flaſh of joy, but a conſtant bleſſing, by the continu- "ance of the Goſpel and true Religion, maugre the malice and helliſh in- "vention of thoſe, who would have blown up all at once; but God "laughed them to ſcorn, and they fell into their own trap. Theſe things I "leave to your Majeſty's Royal remembrance, as a duty to be practiſed, "and to be expreſſed by our thankfulneſs to our holy God; for it is a "good thing to be thankful: *Non eſt dignus dandis, qui non agit gratias* "*pro datis.*

"Since my deſignment to this place, I called to mind theſe Statutes "of late times, and find two of eſpecial note: the firſt of 32 *H.* 8. which "was called *Parliamentum doctum*, for the many good Laws made for the "ſetling of Poſſeſſions. The other 39 *Eliz.* which by a Reverend Divine "was called, *Parliamentum pium*, becauſe the Subjects thereby were en- "abled to found Hoſpitals without licence of *Mortmain*, or *Ad quod* "*damnum*; and other charitable Laws, which I omit, being not perpetual. "And I likewiſe called to mind many glorious offers made by your Ma- "jeſty, and other good Proviſions at the two laſt Meetings. Now your "Majeſty hath ſtretch'd forth your Scepter to call us to you again, and "hath

An. 1623. "hath made Declaration, that all Jealouſies and Diſtractions might be "removed, and the memory of Parliament-Nullities might be buried. "And my deſire is, that your Majeſty's influence may diſtill upon us, and "you proceed in ſuch a ſweet harmony and conjunction, that *Righteouſ-* "*neſs and Peace may kiſs each other*; and that *Mercy and Truth may meet*; "and the world may ſay, *Ecce quam bonum & quam jucundum Regem &* "*Populum convenire in unum.*

"And, for perfecting of this work, the good Bills againſt Monopo- A
"lies, Informers, and Concealers may now paſs, and receive ſtrength, with
"General, Liberal, and Royal Pardon, according to the bounty of the
"late Queen: That ſo this Parliament may be called, *Felix, Doctum, &*
"*Pium*; which will be good to your Subjects, and no diminution to your
"Revenue, or derogation to your Prerogative, which in your Majeſty's
"hands is a Scepter of Gold, but in others hands is a Rod of Iron. I need
"not ſpeak in the praiſe of the Fundamental Common Laws: *Veritas*
"*temporis filia*, time hath ſufficiently juſtified them. Monarchy is the B
"beſt Government; and of Monarchies, thoſe which are Hereditary. The
"beſt ſupply of your Majeſty's wants is in Parliament, where the Subject
"is bound by his own conſent; other courſes of Benevolence come hea-
"vily. The Subjects enjoy the Goſpel freely by your protection, and your
"Majeſty may be ſafe in their Loyalty: other ſafeties are but as *Ajax*
"his Shield, a weight rather than a defence. Their deſire is, that the good
"Laws for Religion may be confirmed; and that the generation of Lo-
"cuſts, the Jeſuits and Seminary-Prieſts, which were wont to creep in C
"corners, and do now come abroad, may be, by the execution of theſe
"good Laws, as with an Eaſt-wind, blown over the Sea. Our late Queen
"*Elizabeth* lived and died in peace; the Pope curſed her, but God bleſſed
"her: And ſo ſhall your Majeſty, having God to your friend, find ſafety
"in the Ark of true Religion, and when you are old and full of days,
"land you in Heaven; and then your hopeful Prince, which ſprang out
"of your own loyns, ſhall ſway that Scepter, which you muſt leave, to
"enjoy a Crown Celeſtial: And God in his due time will reſtore the di- D
"ſtreſſed Princeſs, her Husband and Royal Iſſue, to that Inheritance,
"which is now poſſeſs'd by the uſurping Sword of their Enemies. Where-
"of we are the more confident, becauſe that Countrey was heretofore a
"Sanctuary in our diſtreſs. When Religion was here perſecuted, *Cato*
"was wont to ſay, *Hoc ſentio, & Carthago deſtruenda eſt*: But I ſay, *Hoc*
"*ſentio, & Palatinatus recuperandus eſt.*

"The queſtion was put to a *Lacedemonian*, Why their City wanted
"Walls? who anſwered, *Concord* was their Walls. Your Majeſty, under E
"God, is a ſole and an entire Monarch, whoſe Walls are the Ocean with-
"out, and fortified within with a Wall of Braſs, the bound of Unity and
"Religion: And happy is that place, of which it may be ſaid, as of *Jeru-*
"*ſalem, It is a City at unity within it ſelf.* Neither is your Government con-
"fined within the limits of this Kingdom, but extends it ſelf to *Ireland*,
"where your Majeſty's care and pains, in our late employment, gave di-
"vers provident Directions for the ſetting forth of Religion, the reform-
"ing of Courts of Juſtice and the inflicting puniſhment on the Diſturbers F
"of the publick Peace: And I was *Ocularis teſtis*, that you have made
"theſe ample endowments of Churches out of your own Eſcheated
"Revenue, as will be to your honour in all poſterity. But my deſire is,
"as well in the beginning, as in all other our proceedings, our words
"may be, *vera, pauca, & ponderoſa.*

"Therefore

21 *Jacobi.*

"Therefore with your gratious favour, according to antient Preſi-
"dents, we are humble Suitors, that you would be pleaſed to allow our
"antient Priviledges. And that for our better attendance, our Perſons,
"Goods, and neceſſary Attendants, may be free from Arreſts; and that
"we may have liberty of free ſpeech, not doubting but we ſhall confine
"our ſelves within the limits of Duty. And becauſe this great buſineſs
A "may give us occaſion often to reſort to your Majeſty, that upon our
"publick Suit, you will be pleaſed to give us your own fit time of acceſs:
"and that all our actions may have a benign interpretation, and a good
"acceptation and opinion.

"Laſtly, that I may not only be a Speaker, but an humble Suitor,
"proteſting by the great God, by whom Kings do reign, That what-
"ſoever I have ſaid, hath proceeded from a Loyal heart; I therefore
"deſire, that may be covered with the vail of your gratious Conſtructi-
B "on, or acquitted by gratious pardon.

The King having referred the whole buſineſs of the Spaniſh Match to the advice of Parliament, the Duke of *Buckingham* made, to both Houſes, in the Palace at *Whitehal*, a long Narration of all the Tranſactions in *Spain*, which was accompanied with the Prince's Atteſtation.

C

The Duke's Narrative

In the Narration it ſelf, his Grace *obſerved ſix diſtinct and ſeveral parts. The firſt was, The Motives of the Prince his Journey to* Spain. *The ſecond, The Treaty of the Marriage ſet on foot in* Spain, *ſeverally and by it ſelf. The third, The Treaty of the Marriage and Reſtitution, united together by a reciprocal Subordination. The fourth, The Prince his Highneſs return from* Spain. *The fifth, His Majeſty's ſubſequent proceedings in both Treaties, ſince the return. The laſt was, The ſtating of the Queſtion,* ſuper totam materiam, *wherein*
D *both the Houſes were to offer unto his Majeſty their humble Advice and Counſel. Of theſe parts, his* Grace *ſpake very diſtinctly and orderly.*

I. The Motives of the Prince's Journeny to *Spain*.

E THe Negotiation of Maſter Chancellor of the Exchequer with the Arch-dutcheſs, which miniſtred unto his Majeſty the firſt occaſion of jealouſie, and made a kind of diſcovery of the *Spaniards* indirect dealing with this State: Then was read the aforementioned Letter of the third of *October*, 1622. from the King to the Earl of *Briſtol*, wherein *Briſtol* was required to let the King of *Spain* know, how ſenſible King *James* was of the Emperor's proceedings towards him; and that he ſhould demand of the King of *Spain* a promiſe, under Hand and Seal, that *Heidelburgh* ſhould be delivered within ſeventy days after Audience, and
F the like for *Manheim* and *Frankendale*, if they be taken; and if this be denied, to preſs to have leave to march through the King of *Spain's* Territories with an Army, for the recovering of his Children's Patrimony; and that the King of *Spain* ſhould aſſiſt us with his Forces.

The Duke deſired the Houſes to take for truth whatever he ſhould ſay, granted and atteſted by the Prince's preſence; and declared, That this

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Porter, that carried theſe Letters, was commanded not to ſtay above Ten days, who, after he had been there ſome four or five days, and ſaw nothing towards a Diſpatch, went himſelf to the *Conde Olivares*, (having been his Creature) and deſired him that he would ſpeed his Diſpatch. *Olivares* asked him what he would have? Who replied, No more then what had been formerly promiſed, that in caſe the Emperor ſhould deny the Reſtitution of the *Palatinate*, the King of *Spain* ſhould aſſiſt our King by Arms to recover it, or elſe give way to our Forces to march thither through his Countrey. *Olivares* replied, That this was a prepoſterous demand; What, to aſſiſt with Arms againſt the King's Uncle, and the Catholick League! *Porter* ſpeaking to him of the Marriage of our Prince with the *Infanta* of *Spain*, he told him, That he underſtood not a word of it.

Porter acquainted *Briſtol* herewith, he ſaid, He would call *Olivares* to an account, if he held this Language with him, and would make him underſtand, That an Earl of *England* was as good a man as a *Conde* of *Spain.* But ſending for *Porter* the next morning, he changed his reſolution, and concluded to carry the buſineſs more calmly, and ſaid, the *Conde* was ſo reſerved, becauſe he was ſlie and dainty to report thoſe Myſteries with that freedom to him, who was not qualified as a Publick Miniſter. The *Conde* was angry with *Porter* for communicating what he ſaid to *Briſtol.* Mr. *Porter* returned with a Diſpatch fraught with Generalities, without any one particular or certainty at all made in relation to the Prince's Highneſs; who thereupon took his reſolution to go in Perſon to *Spain*, and gave himſelf theſe reaſons for the enterpriſe.

He ſaw his Father's Negotiation plainly deluded, Matters of Religion gained upon, and extorted; his Siſter's cauſe more and more deſperate; and that this was the way to put things off or on; and that in this particular, delay was worſe then a denial; and that according to the uſual Proverb, *A deſperate diſeaſe muſt have a deſperate remedy.*

Hereupon the King commanded the Duke to accompany his Highneſs in his Journey.

II. The Treaty of the Marriage ſevered, and by it ſelf.

WHen the Prince had arrived at *Madrid*, the *Conde* gave him a viſit, magnified exceedingly the Prince's Journey, amplified the Obligations his Highneſs had put upon that King; and ſaid, That now without all peradventure, it muſt be a Match, and we muſt part and divide the whole world between us.

The next day the *Conde* taking the Duke into his Coach, and Mr. *Porter* for his Interpreter, falling into diſcourſe of the Match, he ſaid unto the Duke, Let us diſpatch this Match out of hand, and ſtrike it up without the Pope: The Duke anſwered, He liked the manner very well, but

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but deſired to underſtand the Means The Means, quoth the *Conde*, is very eaſie; it is [illegible] the Converſion of the Prince; which we cannot conceive but his Highneſs intended upon his Reſolution for this Journey.

The Duke anſwered forthwith, That with freedom they came thither, and with freedom they would return again, they were no Juglers, neither came they to *Spain* to make new bargains: that the Prince was ſetled in his Religion; his Conſcience was troubled with no ſcruples in that kind: if they ſtruck any more upon that ſtring, they would mar all the harmony. Then ſaid the *Conde*, there is no way but to ſend to *Rome* to haſten the Diſpenſation; to which the Duke aſſented. Hereupon the *Conde* wrote his Letter to the Cardinal *Lodoviſia*, the Popes Nephew; which being ſhewed to the Duke, ſeemed to him to be very heavy; the Duke therefore deſired to quicken it with this Poſtſcript, *That now the Prince being arrived, muſt not be ſent back without a Wife; that delay to a Suitor is a kind of refuſal; that Clogging Inſtructions would amount to a Denial, and new Conditions to an abſolute Breach.* The *Conde* fell into choler, ſaid directly it could not be done. This the Prince affirmed to be acted in his preſence: But the Earl of *Briſtol* made a more benign conſtruction thereof, the Duke a right-down concluſion, That this people never intended either Match or Reſtitution; and ſo wiſhed his Highneſs fairly at home again: However the Meſſenger was diſpatched to *Rome*.

Four or five days after his Highneſs was placed to ſee his Miſtreſs in her paſſage through the ſtreets, as ſhe made her viſits from Church to Church: but preſſing for acceſs, he was delayed, but at laſt obtained a Viſit; But a very ſtrange one; He was not ſuffered to ſpeak unto her, but as they had ſet it down in words and ſyllables in writing, ſaying, They were no Aſtrologers, and could not foreſee the event of this Marriage: and therefore they reſolved to admit him as a Prince only, and not as a *Suitor*. But the *Conde* ſalved this up with a Compliment, That if the Diſpenſation were once returned, he ſhould lie with her even that very night; nay, have her he ſhould upon any terms. If he could not be qualified to enjoy her as a Wife, yet he ſhould have her as a Miſtreſs.

Soon after riding in a Coach, it was urged by the *Conde*, That the *Infanta* was of a tender Conſcience, and if ſhe ſhould come into *England*, and find the Prince an Enemy to her Religion, it would quite diſhearten her. His Highneſs conſented to hear her upon this Subject, becauſe he was as like to convert her, as ſhe was to pervert him. A Conference with Divines was preſſed upon his Highneſs, which he refuſed, and ſaid: if after diſputation with them, they ſhould not prevail againſt a young Man they would remain much diſguſted and ill-affected to the whole Negotiation, This kind of importunity was ſtill uſed toward the Prince, till the return of the Diſpenſation.

Six weeks after the Princes arrival came the Diſpenſation; but his Highneſs underſtood from *Rome* by Mr. *Gage*, that the Diſpenſation was returned much clogged in Matter and Manner, eſpecially with the annexed new Condition. The King of *Spain*, before the receiving of the Diſpenſation, was to take an Oath to ſee all the Articles performed; whereupon Faculty was iſſued, really performed, or elſe to make War in caſe of any failer upon the King of *England*.

His Highneſs ſignified his Reſolution unto them, that he neither could nor would add or alter any thing of the firſt Articles ſent to *England*.

A *Junčto* of Divines are appointed to meet and conſider, whether the King might ſafely take the Oath. By this time the Prince had gone

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through all the Articles, ſitting in perſon with the Committee; onely leaving three undiſcuſſed, That of the Church, that of the Nurſe, and that of the Education of the Children; which his Highneſs reſerved till he ſhould ſpeak with the King. Then ſaid the *Conde*, now the buſineſs is in a better way than ever it was, a Match, and without more ado ſhe was his Wife.

But the next day came *Gondomar* and ſpake unto the Prince of the ſame Match, as of a new thing, and told him plainly, that unleſs his Highneſs came to all the Conditions of the Diſpenſation as they were ſent from *Rome*, clearly and intirely, nothing would be done; for they had no power to remove or alter a word of falſe Latine. Whereupon his Highneſs was juſtly diſtaſted, and offered to break. Then they preſſed the Prince, that he would be pleaſed to ſtay twenty dayes, until the King of *Spain* might receive an Anſwer from *England*. The Prince reſolved to ſtay, upon condition that Sir *Francis Cottington* might be diſpatched away within two days, and ſome Meſſenger that might overtake him with the Articles that ſhould be ſent after, as ſoon as ever they could be made ready: But the two dayes of their hammering ſpun out to twenty; at the end thereof they brought them with new Additions.

The Articles being at laſt ſent to *England*, the *Junčto* of Divines delivered their opinions, that the *Infanta* could not be ſent over before the Spring; at which his Highneſs was offended, but the *Conde* prevailed with him to ſtay untill their Ambaſſador ſhould certifie out of *England*, that the Articles were aſſented unto by King *James*, and put in execution, and then the Lady ſhould go with the Prince.

The Biſhop of *Segovia* was pleaſed to ſay to the Duke, That he had heard ſomething of the eſtate of our Kingdom, and had received it from good hands; That our King could not make a Toleration without a Rebellion, and eaſily believed it; becauſe the King of *Spain* is not able in his Dominions to effect the leaſt enterpriſe, without incurring the like danger; therefore he concluded, it was unſafe to ſend the Lady thither at this time, becauſe we having granted as much in effect as a Toleration, it was very probable ſhe ſhould be welcomed with a riſing and rebellion. To which the Duke replied, That if the favors which the King his Maſter had exhibited to his Catholicks at the Mediation of that King, and the Advice of that very Committee of which that Biſhop was one, be of ſo dangerous a conſequence; it ſeems their Lordſhips who gave the Advice for that Article, though they pretended Religion, intended plain and open Rebellion. But you muſt know, quoth the Duke, if his Highneſs had been of my Lord Biſhops opinion, That theſe Conferences had amounted to a Toleration; he had never accepted of theſe Articles to have gained any allowance: For what was agreed unto, was but a Temporary Suſpenſion of penal laws, but no Toleration; for that could not be done, but by conſent of Parliament. Then *Gondomar* hereupon ſaid, that for his part, he did not hold it fit to ſend the *Infanta* thither, before the Articles be perfectly put in execution. And *Gondomar* privately infuſed to the Prince his Highneſs, being incenſed againſt the Duke, That the Duke was in heart, (as he ſaid all his kindred were) a *Roman* Catholick; and he ſaid to a Jeſuit of great account and zeal in thoſe parts, That the Duke was a moſt obſtinate, perverſe and refractory Puritan.

About this time it was reported that the Prince intended to ſteal away; whereupon they laid in wait to intercept him: Hereupon the Duke

was

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was ſent to tell them, That although they had ſtolen thither out of love, they would never ſteal thence out of fear.

About this time the Prince ſent a Meſſage to his Father, That if he ſhould receive any Advertiſement, that he was detained by that State as a Priſoner, he would be pleaſed for his ſake, never to think upon him any longer as a Son, but reflect upon the good of his Siſters, and the ſafety of his own Kingdoms.

III. The Treaty of the Match and Reſtitution reciprocally ſubordinated.

IT is fit to obſerve this paſſage, which is the hing whereupon all his Highneſs ſubſequent Actions are turned and moved. He had never ſtaid a ſevennight longer in *Spain*; he had never left any Proxy with *Briſtol*; he had never taken any Oath at the Eſcurial; or ever ſo much as written a Letter of complement to the Lady; but that he had ſtill before his eyes, as his Cynoſure, the promiſe made by the *Conde* for the Reſtitution of the *Palatinate*.

To haſten the delivery of the Lady, the Duke preſented unto the *Conde*, how his Maſter was now in years, the Prince his only Son; and he would ſuffer in Honour and Reputation, to return home without his Wife. The *Conde* conſented hereunto, and deſired the Prince would name a day for his departure.

This news came to the *Infanta*, who ſeemed to be Apprehenſive of the Princes going away, and prevailed with his Highneſs to return this Complement unto her, That rather than he would give her *Alteza* any diſguſt, he would ſtay for ſeven years,

By this time Sir *Francis Cottington* is arrived with all things perfected by the King, and Letters from the Ambaſſadors of full ſatisfaction, and a command from the King to his Highneſs, to make his return within one month.

Now began the *Conde* to enter into the Treaty for the Reſtitution of the *Palatinate*, ſaying; The Lady ſhould by no means go to *England*, before that buſineſs was accommodated. And it was projected, That there ſhould be a Reſtitution of the Land to the Prince *Palatine*, upon a Condition of Marriage with the Emperors Daughter, and that he ſhould be bred in the Emperors Court. The Prince demanding of the *Conde*, whether in caſe the Emperor proved refractory, the King his Maſter would aſſiſt him with Arms to reduce him to reaſonable terms? The *Conde* anſwered Negatively; becauſe they had a Maxim of State, that the King of *Spain* muſt never fight againſt the Emperor; for they would not employ their Forces againſt the Houſe of *Auſtria*.

Hereupon his Highneſs made his Proteſtation to the *Conde*; *Look to it Sir, for if you hold your ſelf to that, there is an end of all; for without this you may not rely upon, either Marriage or Friendſhip.*

By this time the Prince is grown cheap and vulgar in the Court of *Spain*, ſo that they will ſcarce beſtow a viſit upon him, and the *Conde* came very ſeldom to him: and two Letters came to the Dukes hands, which ſhewed, that all that the *Conde* did, was nothing but flaſhes and lightning; notwithſtanding he ſeemd at this time to be in a good humor, and told the Duke, that now certainly it muſt be a Match, and the Devil

An. 1623. could not break it: The Duke replied, He thought ſo, and the Match had need be very firm and ſtrong, it had been ſeven years in Soadering. The *Conde* denied, and ſaid plainly, it had not been really intended ſeven months; and ſaid, I will fetch that out of my Desk, that ſhall aſſure you thereof; and ſo produced two Letters, the firſt was written with the King of *Spains* own hand, Dated the Fifth of *November*, 1622, And the other from the *Conde Olivares* of the Eighth of *November*, 1622 Both which Letters are mentioned before. A

IV. The Princes return from *Spain*.

AND now the Prince returning for *England*, being engaged to leave his Proxy, did depoſite the ſame in the hands of the Earl of *Briſtol*, who was to keep it, and uſe it as his Procurator; that is, As he ſhould receive his Highneſs Direction, from time to time: His words for the preſent were (ſaid the Duke) That if the Confirmation came from *Rome* clere and intire, (which it did not) then within ſo many days he ſhould deliver it to the King of *Spain*. B

The ſecond Direction ſent to him, was by a Letter which his Highneſs ſent him between his departure from the Eſcurial and coming to the Sea ſide, to this effect; That for fear a Monaſtery ſhould rob him of his Wife, he ſhould ſtay the delivery of the powers until the doubts were cleared; and that his Highneſs would ſend him in the Premiſes ſome further Directions; Here becauſe my Lord of *Briſtol* in his Letter of the Firſt of *November*, 1623, doth preſs ſo vehemently the Prince his Highneſs concerning this Proxy, and the Prince vowed openly before both Houſes, that he had never by Oath or Honour engaged himſelf not to revoke the Powers more than by the clauſe *De non revocando Procuratore*, inſerted in the Inſtrument it ſelf, and that he conceived the clauſe to be matter of Form; and although Eſſentially of no binding power, yet uſually thruſt into every ſuch Inſtrument; and that the Civilians do hold, That it is lawfull by the Civil and Canon Law, for any man to revoke his Proxy of Marriage, notwithſtanding it hath the clauſe *De non revocando Procuratore* inſerted in it, Therefore as to this point the Duke concluded, That the Earl of *Briſtol* in charging this matter ſo highly on the Prince had much forgot himſelf. C D

V. The ſubſequent Proceedings of His Majeſty in both the Treaties, ſince the return of his Highneſs. E

THE Prince by the Mercy of God came to *Royſton*, and made his Relation to the King of all that had paſſed. His Majeſty was glad and told him, that he had acted well the part of a Son; and now the part of a Father muſt come unto the Stage, which was to provide with all circumſpection That his only Son ſhould not be Married with a Portion of Tears to his only Daughter. And therefore his Majeſty commanded by an expreſs diſpatch, the ſtay of the Proxy in the Earl of *Briſtols* hands, untill he had ſome better aſſurance of the reſtitution of the *Palatinate*. F

Then was read his Majeſty Letter to the Earl of *Briſtol*, dated the Eighth

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Eighth of *October*, 1623, wherein the Earl of *Briſtol* was poſitively required by the King, That before he deliver the Powers, or move to the Contract, to procure from the King of *Spain* a direct Reſtitution of the *Palatinate*, and the Electoral Dignity, or to aſſiſt with Arms within a time limited.

You would perceive that by this Diſpatch, *Briſtol* would lay hold on all hints and emergent occaſions to put off the *Deſponſarios* without this required Aſſurance by Arms firſt obtained; but the truth is, he did not ſo.

For firſt, the Confirmation came from *Rome* clogged and mangled; and inſtead of challenging thereupon, he labors with no ſmall ſtrength of wit to hide and palliate the ſame.

Secondly, In the Temporal Articles, the Portion was altered, Six hundred thouſand pounds in ready caſh, to ſome Eighty thouſand pounds, in money, and a few Jewels, and a Penſion of two thouſand pounds *per annum*. Inſtead of quarrelling with this main alteration, he ſeems to approve and applaud the payment.

Thirdly, for the Aſſurance of Reſtitution of the *Palatinate*, the main Foundation both of Match and Friendſhip, he is ſo far from providing for it before (which was the Method preſcribed him by the King) that he leaves it to be mediated by the *Infanta* after the Marriage.

Laſtly, inſtead of putting off the Contract, as any man in the world (upon the Diſpatch from *Royſton*) would have done, he come to prefix a preciſe day for the *Deſponſarios*.

Now from this raſh fixing of the day for the *Deſponſarios* in *Spain*, which was controled again by an Expreſs, from hence iſſued an unneceſſary diſcourſe put upon the King, and in a manner upon the *Infanta*, by the Earl of *Briſtol*: From that proceeded a greater affront put upon the Prince, the taking away the title *La Princeſa* from the *Infanta*, and the debarring of our Ambaſſadors from any further Acceſs to her perſon.

Then was produced an Anſwer of the King of *Spain* to the Memorial of the Ambaſſador, implying a refuſal to aſſiſt by Arms for the recovery of the *Palatinate*, in caſe the Emperor conſent not to a Reſtitution which we have inſerted in *ſeries* of time.

VI. The Stating of the Queſtion *ſuper totam Materiam*

THis Queſtion the Duke ſtated on this manner, Whether this being the full effect and product of all the Negotiation, which I have opened unto you, be ſufficient *Super totam Materiam*, for his Majeſty to rely upon with any ſafety; as well for the Marriage of his only Son, as for the relief of his only Daughter: Or, that theſe Treaties ſet aſide, his Majeſty were beſt to truſt in his own ſtrength, and to ſtand upon his own feet? So the Duke ended with this concluſion, That if the bringing us from darkneſs to light, did deſerve any thanks, we owe it, and muſt wholly aſcribe it to the Prince his Highneſs.

The Prince was preſent at this Narration and aſſiſted the Duke of *Buckingham* therein, and certified many particulars thereof; and it being reported

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reported the ſame day to the Houſe, his Highneſs approved thereof there alſo.

The *Spaniſh* Ambaſſador took great offence at the Dukes Relation as reflecting upon his Maſters honour, and demanded his Head for ſatisfaction.

The Houſe of Lords by a general Vote acquitted the Duke from the Accuſation of the *Spaniſh* Ambaſſador, and juſtified his Relation, and intended to ſignifie as much to his Majeſty by a committee of the whole Houſe, that the Duke may be encouraged to proceed in his faithful ſervice to the State: Unto which, the Commons ſo directly and fully anſwered, as if the two Houſes had been twins; and what one had ſaid, thought, and done, the other had thought, ſaid, and done the ſame. And the Commons deſired to joyn with the Lords in ſignifying this to his Majeſty, which was done by the enſuing Addreſs.

Both Houſes of Parliament juſtifie the Duke in his Narrative.

"YOur Majeſties moſt Loyal Subjects, the Lords, Knights, Citizens, and Burgeſſes, Aſſembled at this time in both Houſes of "Parliament, being informed of a Complaint made unto your moſt "Excellent Majeſty againſt the Duke of *Buckingham*, That in the Nar- "rative, which by your Majeſties command, he made unto both Houſes "the four and twentieth of *February* laſt, he ſhould let fall ſome paſſages, "grievous to the Honour of the King of *Spain*, and inferred to be of ſo "high a nature, as if the ſame had been delivered by any Subject of that "King againſt your Majeſty, it could not otherwiſe have been expiated "than with the loſs of his head that ſpoke it: Taking this into their "mature deliberation, and conceiving that this Accuſation doth in an "oblique manner faſten an Aſperſion upon themſelves alſo; do in all "ſubmiſſion and humility make unto your Majeſty a Threefold Repre- "ſentation: Firſt Concerning that great King; ſecondly, Concerning "that eminent Lord; thirdly, concerning themſelves.

"Firſt, Concerning that King, they do with that unanimous Vote of "both Houſes, abſolutely acquit, and clear the Lord Duke from letting "fall any words at all derogatory to the Honour of that King.

"For the ſecond, That concerns my Lord, they do in the like hu- "mility atteſt unto your moſt ſacred Majeſty, That if my Lord the Duke "had omitted any matter repreſented unto them that day, he had for ſo "much failed in the performance of that duty and fidelity which he ow- "eth unto your Majeſty, and to the buſineſs, and unto both Houſes.

"For the laſt, which concerneth themſelves, they make bold in "like humility to repreſent unto your Majeſty, That they do much "honour my Lord the Duke for that Narration, and do render unto him "all poſſible thanks, for that fidelity and induſtry expreſſed therein; and "ſo without your further trouble, Do humbly beſeech your moſt Excel- "lent Majeſty, to interpret fair of this their Repreſentation, which they "held themſelves bound to offer unto your Majeſty, for the clearing of "ſo eminent a perſon, who, as they verily believe, hath in his Negotia- "tion, well deſerved of your Majeſty and the Common-wealth: So they "heartily pray unto God to preſerve your moſt Excellent Majeſty.

To which Repreſentation his Majeſty returned this Anſwer.

"My

21 *Jacobi.*

His Majeſties Anſwer to that Juſtification.

"MY Lords and Gentlemen all, I might have reaſon to ſpeak no-
"thing in regard of the perſon whereof you ſpeak; but in re-
"gard of your Motion, it were not Civil: For if I be ſilent, I
"ſhall wrong neither my ſelf, nor that Nobleman, which you now ſpeak
"of, becauſe he is well known to be ſuch an one, as ſtands in no need of
"a Prolocutor, or *Fidejuſſor*, to undertake for his fidelity, or well carry-
"ing of the buſineſs: and indeed to ſend a man upon ſo great an *Errand*,
"whom I was not reſolved to truſt for the carriage thereof, were a fault
"in my diſcretion ſcarce compatible to the love and truſt I bare him. It
"is an old and true ſaying, *That he is a happy man that ſerves a good*
"*Maſter*; and it is no leſs truth, *That he is a happy Maſter that enjoys a*
"*faithful Servant.*

"The greateſt fault (if it be a fault) or at leaſtwiſe the greateſt error I
"hope he ſhall ever commit againſt me, was his deſiring this Juſtificati-
"on from you; as if he ſhould have need of any Juſtification from o-
"thers towards me, and that for theſe Reaſons.

"Firſt, Becauſe he being my Diſciple and Scholar, he may be aſſured
"I will truſt his own Relation.

"Secondly, Becauſe he made the ſame Relation unto me, which he
"did afterwards unto both Houſes; ſo as I was formerly acquainted both
"with the matter and manner thereof: And if I ſhould not truſt him in
"the carriage, I was altogether unworthy of ſuch a Servant. He hath
"no Intereſt of his own in the buſineſs; he had ill thoughts at home
"for his going thither with my Son, although it was my command, as I
"told you before. And now he hath as little thanks for his Relation on
"the other part; yet he that ſerveth God and a good Maſter, cannot
"miſcarry for all this.

"I have noted in his Negotiation theſe three markable things, Faith
"Diligence, and Diſcretion, whereof my Son hath born record unto me;
"yet I cannot deny, but as he thought to do good ſervice to his Maſter:
"he hath given ill example to Ambaſſadors in time to come, becauſe he,
"went this long journey upon his own charges. This would prove an ill
"example, if many of my Ambaſſadors ſhould take it for a Preſident. He
"ran his head into the yoke with the People here, for undertaking the
"journey; and when he there ſpent above Forty or Fifty thouſand
"pounds, never offered his accompt, nor made any demand for the ſame,
"or ever will. I hope other Ambaſſadors will do ſo no more. I am a
"good Maſter, that never doubted of him; for I know him to be ſo
"good a Scholar of mine, that I ſay without vanity, he will not ex-
"ceed his Maſters Dictates; and I truſt the report not the worſe he
"made, becauſe it is approved by you all; yet I believe an honeſt Man,
"as much as all the World, and the rather, becauſe he was a Diſciple of
"mine. And I am glad he hath ſo well ſatisfied you, and thank you
"heartily for taking it in ſo good part, as I find you have done.

The Lords having debated thoſe high Matters of State, which the King put into their hands, delivered their opinions, That His Majeſty cannot with honour and ſafety, and with the conveniency of State and Religion, proceed any further in the Treaty of the Princes *Marriage*, nor relie any longer upon the Treaty for the recovery of the *Palatinate*; in which Vote the Commons concurred with them.

And in this manner both Houſes Addreſſed themſelves to the King:

May

An. 1623.

Both Houſes of Parliament concur, that the King may not honorably proceed in the Treaty of the Prince's Marriage, and the *Palatinate.*

May it pleaſe your Moſt Excellent Majeſty,

"WE are come unto you, imployed from your moſt faithful Subjects, and Servants, the Lords and Commons aſſembled in this preſent Parliament.

"And Firſt, They and we do give moſt humble and hearty thanks unto Almighty God, that out of his Gratious goodneſs he hath been pleaſed now at laſt to diſpel the Clouds and Miſts which for ſo many years have dimmed the eyes of a great part of Chriſtendom, in the buſineſs whereof we do now conſult. A

"And Secondly, We acknowledge our ſelves moſt bound unto your Majeſty, that you have been pleaſed to require the humble Advice of us your obedient Subjects in a Caſe ſo important as this is, which hitherto dependeth between your Majeſty and the King of *Spain*, Which we joyntly offer from both Houſes, *no one perſon there diſſenting, or diſagreeing from the reſt.* And it is upon mature conſideration, and weighing many particulars of ſundry natures that finding ſo much want of ſincerity in all their proceedings, We, *ſuper totam Materiam*, preſent this our humble Addreſs unto your Majeſty; That the Treaties both for the *Marriage* and the *Palatinate* may not longer be continued with the honour of your Majeſty, the ſafety of your People, the welfare of your Children and Poſterity, as alſo the aſſurance of your antient Allies and Confederates. B C

Reaſons were alſo preſented, to fortifie this Vote.

"Whereas the Propoſitions of the *Match* were at the firſt no more than *Liberty of Conſcience* to the Infanta and her Family, which the King might in honour grant; the *Spaniards* taking advantage of the Prince's being in *Spain*, importuned a General Connivance of Religion, to the diminution of the King's Soveraignty, and againſt the uſage of other Catholick Princes in the like Treaties, and to the diſcouragement of all his well-affected Subjects. And this they have laboured with the Pope, being of miſchievous conſequence. During this Treaty, the Popiſh Faction hath mightily increaſed: and whereas heretofore they were wont to be divided, ſome taking part with the *Secular Prieſts*, and ſome with the *Jeſuits*, they are united; which is a matter of great conſequence, conſidering they do as well depend on *Spain* for Temporal matters, as on *Rome* for Spiritual: And they cannot be ſuppreſſed, as long as the Treaty holds. D E

"They have by this Treaty devoured our Allies, and the Proteſtant Party in *Germany* and elſewhere, to the decay of true Religion, and to the jealouſie of our Friends beyond the Seas. During this Treaty of *Love*, they have ſpoiled his Majeſties Son-in-law of his Lands and Honours; and notwithſtanding promiſes of Reſtitution, ſtill invaded his Rights, and at length turned pretended Difficulties, into apparent Impoſſibilities. They have deluded our King, and offered indignity to our Prince, by importuning him again and again to a *Converſion*, contrary to the Law of Hoſpitality, and the Priviledge of Princes. F

"The inſincerity of their Proceedings is to be ſeen by that former Overture of Marriage for the late Prince *Henry*, which after many

"ſpecious

21 *Jacobi.*

"ſpetious Motions, was followed with a diſavowing of their own Am-
"baſſador, and a ſcornful Propoſition made to the King, of the Prince's
"altering his Religion. As alſo by the Treaty of *Bruxels*, where the
"Lord *Weſton* found nothing but delays and deceit; and after divers
"peremptory Commands from *Spain* for his Majeſty's ſatisfaction, it
"wrought no other effect then the beſieging and taking of *Heidel-*
"*burgh*; inſomuch that the Ambaſſador was forced to *Proteſt*, and
A "return.

"To theſe things were added, the Tranſlation of the *Electorate* to
"the Duke of *Bavaria*, and the Letter of the King of *Spain* to *Conde*
"*Olivares*, with the *Conde*'s anſwer, which imported, that the Match
"was never intended. And alſo, after the Prince had taken a hazardous
"Journey, they deviſed a ſhift, by a *Junto* of Divines, to let him come
"home without the *Lady*.

B Theſe Reaſons were preſented to the King by the univerſal conſent of the Houſe of Commons. Hereupon the King came to Parliament, and made a Speech deliberative, enquiring into the Condition of the War which they adviſed, and the means to uphold and carry it on.

My Lords and Gentlemen all,

C "I Have cauſe firſt to thank God with all my heart, and all the facul-
"ties of my mind, that my Speech which I delivered in Parliament
"hath taken ſo good effect amongſt you, as that with an unani-
"mous conſent you have freely and ſpeedily given me your advice in
"this great Buſineſs, for which I alſo thank you all as heartily as I can.

"I alſo give my particular thanks to the Gentlemen of the Lower
"Houſe, for that I heard, when ſome would have caſt jealouſies and
"doubts between me and my People, they preſently quelled thoſe mo-
D "tions, which otherwiſe might indeed have hindred the happy Agree-
"ment I hope to find in this Parliament. You give me your advice to
"break off both the Treaties, as well concerning the *Match* as the *Pala-*
"*tinate*: And now give me leave, as an old *King*, to propound my
"Doubts, and hereafter to give you my Anſwer.

"Firſt, it is true, that I, who have been all the days of my life a peace-
"able King, and have had the honour in my Titles and Impreſſes to be
"ſtiled *Rex Pacificus*, ſhould be loth, without neceſſity, to embroil my
E "ſelf with War, far from my Nature, and from my Honour, which I have
"had at home and abroad, in endeavouring to avoid the effuſion of
"Chriſtian blood, of which, too much hath been ſhed, and ſo much a-
"gainſt my heart; I ſay, that unleſs it may be upon ſuch a neceſſity, that
"I may call it, as ſome ſay merrily of Women, *Malum neceſſarium*, I
"ſhould be loth to enter into it. And I muſt likewiſe acquaint you, that
"I have had no ſmall hope given me of obtaining better Conditions for
"the Reſtitution of the *Palatinate*; and that even ſince the ſitting down
F "of the Parliament: But be not jealous, nor think me ſuch a King, that
"would, under pretence of asking your advice, put a ſcorn upon you, by
"diſdaining and rejecting it: for you remember, that in my firſt Speech
"unto you, for proof of my love to my People, I craved your advice in
"this great and weighty affair; but in a matter of this weight, I muſt
"firſt conſider how this courſe may agree with my Conſcience and Ho-

The King's Speech to the Parliament, perſwading them to break off the two Treaties, of the *Match*, and of the *Palatinate*.

An. 1623.

" nour; and next, according to the Parable uttered by our Saviour, af-
" ter I have reſolved of the neceſſity and juſtneſs of the Cauſe, to con-
" ſider how I ſhall be enabled to raiſe Forces for this purpoſe.

" As concerning the *Cauſe of my Children*, I am now old; and as *Moſes*
" ſaw the Land of Promiſe from an high Mountain, though he had not
" leave to ſet his foot on it, ſo it would be a great comfort to me, that
" God would but ſo long prolong my days, as if I might not ſee the
" Reſtitution, yet at leaſt I might be aſſured that it would be; that A
" then I might, with old *Simeon*, ſay, *Nunc dimittis ſervum tuum, Domine,*
" *&c.* Otherwiſe it would be a great grief unto me, and I ſhould die
" with a heavy and diſcomforted heart. I have often ſaid, and particu-
" larly in the laſt Parliament, and I ſhall ever be of that mind, That
" as I am not ambitious of any other mens Goods or Lands, ſo I deſire
" not to enjoy a Furrow of Land in *England*, *Scotland*, or *Ireland*,
" without reſtitution of the *Palatinate*: And in this mind I will live
" and die. B

" But let me acquaint you a little with the Difficulties of this Cauſe.
" He is an unhappy man, that ſhall adviſe a King to *War*; and it is an
" unhappy thing to ſeek that by *Bloud*, which may be had by *Peace*.
" Beſides, I think your intentions are not to engage me in War,
" but withall you will conſider, how many things are requiſite there-
" unto.

" I omit to ſpeak of my own neceſſities, (they are too well
" known:) Sure I am, I have had the leaſt help in Parliament of any King C
" that ever reigned over you this many years. I muſt let you know,
" that my diſabilities are increaſed by the charge of my Son's Journey
" into *Spain*, which I was at for his honour, and the honour of this Na-
" tion: By ſending of Ambaſſadors, by maintaining of my Children,
" and by aſſiſting of the *Palatinate*, I have incurred a great Debt to
" the King of *Denmark*, which I am not able yet to pay.

" The *Low Countries*, who, in regard of their nearneſs, are fitteſt to
" help for the Recovery of the *Palatinate*, are at ſo low an ebb, that if D
" I aſſiſt them not, they are ſcarce able to ſubſiſt. The Princes of *Ger-*
many, that ſhould do me any good, are all poor, weak, and diſheartned,
" and do expect aſſiſtance from hence. For *Ireland*, I leave it to you,
" whether there be not a back door to be ſecured. For the *Navy*, I thank
" God, it is in a better caſe than ever it was, yet more muſt be done;
" and before it can be prepared as it ought to be, it will require a
" new Charge, as well for its own ſtrength, as for the ſecuring of the
" Coaſts. E

" My Children, *I vow to God*, eat no bread but by my means; I muſt
" maintain them, and not ſee them want. In the mean time, my *Cuſtoms*
" are the beſt part of my Revenues, and, in effect, the ſubſtance of all I
" have to live on; all which are farmed out, upon that condition, That
" if there be War, thoſe Bargains are to be diſannulled, which enforce
" a great defalcation.

" *Subſidies* ask a great time to bring them in: Now, if you aſſiſt me
" that way, I muſt take them up before-hand upon Credit, which will F
" eat up a great part of them. This being my Caſe, to enter into War,
" without ſufficient means to ſupport it, were to ſhew my teeth, and
" do no more. In the mean time, I heartily thank you for your ad-
" vice, and will ſeriouſly think upon it; as I pray you to conſider of
" thoſe other parts.

" My

21 *Jacobi.*

"My *Treaſurer*, to whoſe Office it appertains, ſhall more at large in-
"form you of thoſe things that concern my Eſtate. Thus freely do I open
"my heart unto you: and having your *hearts*, I cannot want your *helps*;
"for it is the *heart* that openeth the *purſe*, not the *purſe* the *heart*. I will
"deal frankly with you: ſhew me the means how I may do what you
"would have me, and if I take a reſolution by your advice to enter into
"a War, then your ſelves, by your own Deputies, ſhall have the diſpoſ-
A "ing of the Money; I will not meddle with it, but you ſhall appoint
"your own Treaſurers; I ſay not this with a purpoſe to invite you to
"open your purſes, and then to ſlight you ſo much as not to follow
"your counſel, nor engage you before I be engaged my ſelf. Give me
"what you will for my own means; but I proteſt, none of the Monies
"which you ſhall give for thoſe uſes, ſhall be iſſued but for thoſe ends,
"and by men elected by your ſelves. If, upon your offer, I ſhall find
"the means to make the War honourable and ſafe, and that I reſolve
B "to embrace your advice, then I promiſe you, in the word of a King,
"that although War and Peace be the peculiar Prerogatives of Kings,
"yet, as I have adviſed with you, in the Treaties on which War may
"enſue, ſo I will not treat nor accept of a Peace, without firſt acquaint-
"ing you with it, and hearing your advice; and therein go the proper
"way of Parliament, in conferring and conſulting with you: and hap-
"pily, the conditions of Peace will be the better, when we be prepa-
"red for War; according to the old Proverb, That *Weapons bode*
C "*Peace.*

"Your kind carriage gives me much content; and that comforts
"me, which my Lord of *Canterbury* ſaid, *That there was not a contrary*
"*voice amongſt you all*; like the *Seventy Interpreters*, who were led by the
"breath of God. I am ſo deſirous to forget all rents in former Parlia-
"ments, that it ſhall not be in my default, if I am not in love with Par-
"liaments, and call them often, and deſire to end my life in that enter-
"courſe between me and my People, for the making of good Laws, re-
D "forming of ſuch abuſes as I cannot be well informed of but in Parlia-
"ment, and maintaining the good government of the Commonwealth.
"Therefore go on chearfully, and adviſe of theſe points, and my reſo-
"lution ſhall then be declared.

Hereupon the Houſe of Commons took immediately into conſideration the matter of ſupply: and Sir *Edward Sackvile*, afterwards Earl of *Dorſet*, ſpake thus to that ſubject.

E

Sir *Edward Sackvile's* Sp.ech.

"SInce Supply unto his Majeſty is now in queſtion, of which, I
"hope, there will be no queſtion, I humbly ask leave of this
"Honourable Aſſembly to ſpeak my opinion; aſſuring you,
"that when a Treaty of *Grievances* ſhall be on foot, it ſhall appear I
"will not ſit ſilent, if I find my ſelf able to ſay any thing that may lend
"an hand to unload my Countrey of that heavy burthen it now
F "groans under, by reaſon of the innumerable number of *Monopolies*,
"which, like ſo many *Incubuſſes*, and *Succubuſſes*, exhauſt the Vital
"Spirits, and ſo preſs down thoſe parts, which ought to enjoy free
"reſpiration, as without ſome ſpeedy remedy, is like to run to extreme
"hazard. But this I refer to its proper time, and reſerve my ſelf for
"it, and now proceed to the matter in hand.

An. 1623.

"Sure I do think, there are very few that ſerve in this Houſe (if there "be any) who do not confidently believe, that the chief Motive which "induced his Majeſty at this time to aſſemble this Parliament, was "meer Neceſſity to be by us enabled for the Recovery of the Patrimony "belonging to the King of *Bohemia*, now almoſt traverſed from him, and "in the poſſeſſion of a powerful Enemy. If there be any who do doubt "this truth, I hope he may eaſily reſt ſatisfied, when I ſhall aſſure him "(out of my own knowledge) that many days before this Seſſion, his A
"Majeſty commanded a ſelect number of Noblemen and Gentlemen, the "moſt part whereof have been commanders in the Wars, and ſome yet "are, to conſult together of what Number of Men an Army ought to be "compoſed, which might be able to recover the *Palatinate*, and protect "it from a ſecond Invaſion. Theſe, according to his Majeſty's good plea- "ſure, divers days met together at one appointed place, and there con- "tributed their beſt endeavours: At leaſt they have finiſhed their task; "adviſed the King of the number of Souldiers; they have eſtimated the B
"preſent Charges his Majeſty muſt be at for the relieving, arming, clo- "thing, munition and habiliments of War; theſe have likewiſe calcu- "lated the annual expence for the maintenance of them.

"The firſt I will now inform you; and for the laſt point, becauſe "of a greater Charge and Conſequence, I will allow more time of con- "ſideration. Twenty five thouſand Foot, and Five thouſand Horſe, is the "portion they all agree on; and leſs they could not conſider to be C
"ſent, conſidering they were to combat with an Enemy ſo far from "hence, already in poſſeſſion of a great part of the countrey, well for- "tified in many places, Maſter of an Army, compoſed with Twenty "thouſand Foot and Four thouſand Horſe, moſt Veterane Souldiers, "commanded by the beſt Captains now known in the Chriſtian World, "except the Prince of *Orange*; after whom, to be eſteemed ſecond, is "the higheſt praiſe: I ſay, all theſe reſpects duly weighed, there could "not in their judgments be abated of this proportion: And this Army D
"was framed on that mould, which the Secretaries of State gave them "of the Enemies ſtrength.

"The iſſue of Battels is in the hand of God: The eyes of humane "providence cannot ſee beyond its Horizon; it cannot aſcertain fu- "ture Contingents, it can only judge of what ſeems fit to be done, guid- "ed by the Rules of Probability and Reaſon. Events happen often "contrary, and never more contrary then in matters of Warfare: Yet, "admit a ſiniſter ſucceſs to happen, a Counſel wiſely taken, ought not "therefore to loſe the due commendations. E

"Sirs, I have told you the number; you now expect to know the "preſent Charge, in which I ſhall deal moſt truly with you. Believe me, "His Majeſty muſt diſburſe Thirty thouſand pounds for proviſion of "Neceſſities to furniſh ſuch an Army to be ſent; the moſt part of the "Proviſions muſt be made beyond the Seas, for there Arms are beſt, "and beſt cheap: This Army muſt (if ſuch an Army) go by the "end of *April*.

"It was God that ſaid, *Let there be light, and it was ſo:* Kings F
"(though they be ſtiled Gods) enjoy no ſuch power, incommunicable "to any Kings, Whatever their ends or deſires are, they muſt allow time "to the conſummation of them: They be Soveraigns over us, but ſub- "ject unto time. But what need I add Spurs to a forward Horſe? In my "Conſcience, there are few Members in this Houſe, that to that *Holy War*

"(as

"(as I may juſtly ſtile it) would not as willingly and as heartily con-
"tribute the ſervice of their Perſons, as the aſſiſtance of their Purſes. I
"know I ſpeak the Language of all your hearts, let us ſhew our faith by
"our works: Time was, to have done much better then now we can;
"time is, that we may do well; but if we attend ſomewhat longer, time
"will be paſt, ſo as all we do then will be ſo out of ſeaſon, as it can
"produce neither any great nor any good effect. But ſtay, me-thinks I
A "hear ſome ſay, Why, his Majeſty told us, that by way of Treaty he ho-
"ped to prevail, as the *Palatinate* ſhould be reſtored. I confeſs I heard ſo
"too; and Heaven be pleaſed to crown his actions with ſucceſs, as the
"piouſneſs of his actions deſerves. But I muſt be excuſed, if I doubt
"it, if I fear it, if I deſpair of it: For, it is no Article of my Faith to be-
"lieve in Miracles. But ſuppoſe this might be brought to paſs, what then,
"ſhall this gift of ours be loſt, or caſt away? No ſure, it will be well be-
"ſtowed, if as a ſacrifice of our thankfulneſs we offer it unto his Majeſty,
B "by whoſe wiſdom that is regained; which certainly by any other
"courſe muſt needs have expoſed our Perſons to great danger, and our
"Purſes to much more expence. And in this we ſhall do, as he that
"receiveth a rich preſent, and returns a ſmall reward. Perhaps this
"way may not quadrate with every mans conceit; if not, then let this
"which his Majeſty demands, to make proviſion for a Forreign Army,
"be employed in rearing a Magazin here at home, ſince ſo great is the
"want of Munition, as I wonder we all cry out for want of Money, and
C "never think how to be ſtored of that, which, of the two, is more neceſ-
"ſary; ſeeing by the one, we are only enabled to live more plentiouſ-
"ly and ſumptuouſly; and by the other, our lives are preſerved free
"from miſery and ſlavery. In matters of moment, I know it is as lauda-
"ble to uſe Deliberation before a Reſolution, as after that once taken,
"Celerity in Execution. Counſel is the Compaſs by which all great A-
"ctions ought to be guided; it is the Stear, by which wiſe men do ſhape
"their courſes. I allow it, I commend it, I adviſe it; yet to be ſo ſlow, ſo
D "diſcuſſive, ſo long in reſolving, all we then can do, will be no more
"worth, then a Phyſician after death. Sure ſuch a dulneſs muſt needs
"accuſe us of much weakneſs, if it admit of no worſe conſtruction,
"*(bis dat, qui cito dat)* freeneſs in giving graceth the gift: *Dimidium*
"*facti qui bene cæpit habet.* We have a long journey to go, and to ſet for-
"ward is half the way. How preſſing the occaſion is, my Tongue faints
"to tell, *(vox faucibus hæret) The Foxes have holes, and the Birds of the*
"*air have neſts*, but the Daughter of our King and Kingdom ſcarce
E "knows where to lay her head, or if ſhe do, not where in ſafety.

"Laſtly, When we had no other object in our Contemplations, but
"the memory of her virtue, (which remaineth in durable Characters
"in the heart of every honeſt man) what a forwardneſs and ferventneſs
"did we expreſs in theſe our voluntary contributions, notwithſtanding
"that ſome baſe, ſordid, and avaritious men, who adored their Mam-
"mon, deterred men from their noble and pious work. They were then
"but Panick terrors, clouds caſt before the Sun, which now ſhines out
F "ſo bright, as all thoſe miſts are vaniſhed. His Majeſty calls to us for
"aid, he invites us to it; and he that was born to command, now vouch-
"ſafes to entreat us: now if ever, now is the time to do our Countrey
"good. Do we deſire to ſweep out all Grievances of this Land? Do
"we deſire to extinguiſh the care of them, that they may never more
"germinate in this Common-wealth? Do we deſire to deſtroy thoſe

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" Spiders that ſpin this Net; Now if ever, now is the time to effect it.
" And to arrive at this bleſſing, me-thinks I diſcover a plain and eaſie
" way; let us pleaſe the King firſt, and I ſpeak it with Faith, he will be
" gratiouſly pleaſed to reward us: Prove rich Merchants, and make a
" brave Return. Great and generous Spirits are then moſt apt to make
" requeſts, when firſt they have obtained their own. In the Reigns
" of Kings, the way to conquer is to ſubmit; and nothing more o-
" bligeth an honeſt heart to perform what is expected, then to confide
" and truſt in him. A

" This is the way to make his Majeſty not only love, but fall in love
" with Parliaments: this is the way to call them home from exile, and
" again render them frequent amongſt us: This is the way to fix this,
" until we have purchaſed preſent eaſe, and future happineſs to our
" Countrey. Let his Majeſty have hearts-eaſe among us, and we ſhall
" receive from his Royal hand that *Dictamnum*, which muſt expel theſe
" Arrows that hang in the ſides of the Common-wealth. B

" Thus have I delivered my opinion, which, if it be not the ſame with
" every one here preſent, I ſhall beg that favourable cenſure which
" Charity commands me to afford to all. Let him believe, I have ſpoken
" my Conſcience, as I ſhall of him, though he happen to diſſent from
" my opinion: For, from what Circumference ſoever the Lines be
" drawn, the Centre is the ſame, which is our Countrey's good; at
" which, the deſire of every man ought to aim, and the duty of every
" man ought to deſire. C

" He that would take another courſe, and have grievances firſt pre-
" ferred; if he wiſhed that out of a good to his Countrey, as unwilling
" to innovate ancient proceedings; of this man I will only ſay, *Optime
" ſentit* Cato, *ſed nocet interdum Reipublicæ*: but if there be any other,
" who, out of a corrupt and impoſthume heart, looking to falſe and fo-
" reign ends, would endeavour to put a Partition-wall between the
" King and his People, this man I dare pronounce, neither good Subject,
" nor good Engliſhman, nor good Chriſtian; but the Agent of baſe and D
" beggerly Promoters, needy and greedy Projectors, and a friend to thoſe
" Monſters, which I hope have no generation; who not born to any
" Fortune, nor have Virtue nor Induſtry, by which they might hope to
" obtain any, yet, like *Harpies*, greedy to devour other mens Poſſeſſions,
" care not what way they take to become Maſters of them, ſlighting the
" latter day of Judgment, ſo they may reſt ſecured from yielding any
" count in this world.

" I have no more to ſay, but that God would be pleaſed to incline E
" our hearts to do that, which may be moſt for his glory; next, for
" the King's ſervice; then, for the Countreys happineſs.

To the doubts which the King propounded, the Parliament gave Solution by a Committee of both Houſes, in the Declaration following, delivered by the Archbiſhop of *Canterbury*, with this Introduction.

May it pleaſe your Sacred Majeſty. F

The Parliaments Anſwer to the King's Speech.

WE are come to you again, from your moſt faithful Subjects, and loyal Servants, the Lords and Commons aſſembled in this preſent Parliament.

And firſt, we humbly let your Majeſty know, how much we hold our

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our ſelves bounden unto Almighty God, that he hath ſet a King to rule and reign over us, who is pleaſed in the greateſt and weightieſt cauſes, to ſpeak and to be ſpoken to in Parliament by his good and loving people, which cauſeth the King to underſtand them, over whom he beareth rule, and them again to underſtand him: And is a true Bond that tieth the heart of the Soveraign to the Subject, and of the Subject reciprocally to the Liege Lord and Soveraign. And next we rejoyce, that your Majeſty hath ſhewed your ſelf ſenſible of the inſincerity of the King of Spain, with whom, of late, you have had a double Treaty; and of the indignities offered by them unto your bleſſed Son, the Prince, and to your Royal Daughter. And that your Kingly heart is filled with an earneſt deſire to make reparation to her Noble Conſort, and her ſelf, of the Palatinate, their Patrimonial poſſeſſion, which is agreeable to Juſtice, and to all Laws of God and Man.

For the effecting whereof, to certifie with what alacrity, with what expeditenels and uniformity of heart, both your Houſes of Parliament, in the name of your whole Kingdom, have born themſelves unto your Majeſty, with offer to give their Loyal aſſiſtance, we have digeſted it into writing; leſt, by the verbal or vocal delivery of any perſon, it may miſcarry; or the expreſſion of our zeal be weakened or diminiſhed. Which we humbly pray your Majeſty to give leave to be read unto you.

Moſt Gracious Sovereign,

WE your Majeſty's moſt humble and loyal Subjects, the Lords and Commons in this preſent Parliament aſſembled, do firſt render to your moſt Sacred Majeſty our moſt dutiful thanks, for that, to our unſpeakable comfort, you have vouchſafed to expreſs your ſelf ſo well ſatisfied with our late Declaration made unto your Majeſty, of our general reſolution, in purſuit of our humble advice to aſſiſt your Majeſty in a Parliamentary way with our perſons and abilities.

The Parliament offer his Majeſty Three Subſidies, and Three Fifteens, if he break off both Treaties.

And whereas your Majeſty, in your great wiſdom and judgment, foreſeeing that it will make a deeper impreſſion, both in the Enemies of that Cauſe, and in your Friends and Allies, if they ſhall not onely hear of the chearful offers, but alſo ſee the real performance of your Subjects towards ſo great a work. Your Majeſty was pleaſed to deſcend to a particular propoſition, for the advancing of this great buſineſs. We therefore, in all humbleneſs, moſt ready and willing to give your Majeſty, and the whole world, an ample teſtimony of our ſincere and dutiful intentions herein, upon mature advice and deliberation, as well of the weight and importance of this great affair, as of the preſent eſtate of this your Kingdom (the Weal and Safety whereof is, in our judgments, apparently threatned, if your Majeſty's reſolution, for the diſſolving of the Treaties now in queſtion, be longer deferred; and that proviſion for defence of your Realm, and aid of your Friends and Allies, be not ſeaſonably made) have, with a chearful conſent of all the Commons (no one diſſenting) and with a full and chearful conſent of the Lords, reſolved, That upon your Majeſty's publick Declaration, for the diſſolution and utter diſcharge of both the ſaid Treaties, of the Marriage, and of the Palatinate, in purſuit of our advice therein, and towards the ſupport of that War which is likely to enſue, and more particularly for thoſe Four points propoſed by your Majeſty; namely, for the defence of this your Realm, the ſecuring of Ireland; the

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the assistance of your Neighbours the States of the United Provinces, and other your Majesty's Friends and Allies, and for the setting forth of your Royal Navy, we will grant for the present the greatest Aid which ever was given in Parliament: that is to say, Three entire Subsidies, and Three Fifteens, to be all paid within the compass of one whole year, after your Majesty shall be pleased to make the said Declaration, the Money to be paid into the hands, and expended by the direction of such Committees or Commissioners, as hereafter shall be agreed upon at this present Session of Parliament.

And we most humbly beseech your Majesty to accept of these first-fruits of our hearty Oblation, dedicated to that work which we infinitely desire may prosper and be advanced. And for the future, to rest confidently assured, That we your loyal and loving Subjects will never fail in a Parliamentary way to assist your Majesty in so Royal a design, wherein your own honour, and the honour of your most noble Son, the Prince, the ancient renown of this Nation, the welfare, and very subsistence of your noble and onely Daughter, and her Consort, and their Posterity, the safety of your own Kingdom and People, and the Posterity of your Neighbours and Allies, are so deeply engaged.

Hereunto his Majesty replied.

My Lords and Gentlemen all,

His Majesty's Reply.

"I Have nothing to say to the Preamble of my Lord of *Canterbury*, but "that he intimated something in it, which I cannot allow of: for "whereas he said, I have shewed my self sensible of the insincerity "of those, with whom I had lately to deal, and of the indignity offered to "my Children: In this you must give me leave to tell you, that I have "not expressed my self to be either sensible or insensible of the good or "bad dealing; it was *Buckingham*'s Relation to you which touch'd "upon it, but it must not bar me, nor make *Jupiter* speak that which "*Jupiter* speaks not: for when I speak any such thing, I will speak it "with that reason, and back it with that power, which becomes a King.

"As for the matter of the Declaration unto my Demands, which you "have couched in that Paper, which I now heard read unto me, I con-"fess, it is without example, that any King hath had such an offer. And, "with your favour, I need fear nothing in this World, having so much "the hearts of my People. For the large offer of assistance, I hold it "to be more then Millions of Subsidies; and indeed, it is an ample "reward for the trust and freedom which I have used with you.

"But, my Lords and Gentlemen, you must give me leave on the one "side, to consider the possibility of the Action: for in this case I must "do, as a man that maketh a Fortification, which must have Out-works "and In-works; so I must not deal onely with mine own People, but with "my Neighbours advice, to assist me in so great business for recovery of "the *Palatinate*. And in this case it is not sufficient to have the hearts of "my Subjects, without the help of my Neighbours and Allies: on the o-"ther side, unless particular means be set down, it will neither be a Bridle "to our Enemies, nor a Comfort to my Friends, who shall joyn with me.

"General words will not carry it, therefore I must resort to particular "means, and follow the Counsel of our Saviour Christ in the Gospel,

"before

"before I begin a War, to ſee how I can maintain it, God knows it is
"a longſome work, yet I deſire with *Moſes*, as I ſaid before, but to ſee
"the Land of Promiſe, though I live not till it be recovered. But unleſs
"particular means be diſcovered, it is little to the point: Therefore ſince
"you give me ſuch fair general promiſes, I will deal freely with you, I
"will tell you in particular, the way I will propoſe, either by way of
"Subſidies or otherwiſe; which being done in Parliament, is a Parlia-
A "mentary way. I would require you to be pleaſed to beſtow upon me
"Five Subſidies, and Two Fifteens to every Subſidie, for the War: And
"for mine own neceſſities, my crying debts are ſo heavy, that no man
"can bear them with a greater grief of heart, and ſting of conſcience,
"then I have done and do. And I now growing old, would be glad
"to ſee a means for the ſatisfying of my debts, before I go out of the
"world. And for this end, I deſire you would give me one Subſidy and
"two Fifteens yearly, untill my debts be paid.

B Here the Prince his Highneſs taking notice of an Objection made that this might ſeem contradictory to that which his Highneſs had told the Commitee of both Houſes, That the Kings Majeſty would ask nothing for his own particular, till the Wars were provided for:

The Prince ſaid, That the Duke of *Buckingham* in his abſence hath moved this doubt unto the King.

Whereupon the Duke affirmed, that ſpeaking with the King about it, his Majeſty was pleaſed to ſay, if he would add one Subſidy and two
C Fifteens to make it up ſix Subſidies and twelve Fifteens for the War, he was well content to quit that which he had asked for his own neceſſities.

The King proceeded. "If this may be done, or that I may ſee a
"fair way to it, I will follow your Advice; for I would never have
"asked your Advice to reject it, or to put a ſcorn upon you. For the
"levying of theſe Subſides and Fifteens, I would have you conſider
"how to clear theſe two difficulties. If you levy them too ſuddenly, it
D "may be heavy for the people; if you ſtay too long, it will not ſerve the
"turn. But this I leave to your conſideration: And ſince I leave it to
"your ſelves to receive the Money, and expend it by your own Com-
"mittees of both Houſes, you may be the more ſecure. And yet I
"would not have you to be too haſty in the levying of it, that no ex-
"tremity be ſhewed to my People by impoſing too heavy a burthen up-
"on them, which God forbid, On the other ſide, the buſineſs will not
"ſuffer too long lingring about it. I told you before, I had in this great
E "buſineſs, to look to my Conſcience and Honor, as well as to the Means:
"For the means, I muſt have it from you; my Conſcience and Honor
"is mine own, of which I have thought, and do think daily; And how
"I ſhall be able to diſcharge them as a King ought to do, yet not with-
"out taking help of your Advice, which I would never have moved,
"unleſs I had meant to follow it.

Here again the Prince, ſaid he, had ſpoken with his Father, to know of him whether he were ſatisfy'd in Honour and Conſcience that he
F might in this caſe undertake a War; and that his Majeſty anſwered, He was already ſatisfyed and reſolved therein; but for the manner of publiſhing it, he would take your Advice.

Then the Duke of *Buckingham* ſaid, the reaſon why his Majeſty uſed theſe words, was, That having formerly ſpoken of his Honour and Conſcience, if he ſhould now have left them out, it might have been thought

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The King again proceeded. "I told you before, that this was the "way to make me in love with Parliaments, and to ſhew mine inclination "on to continue them ſtill. My Reſolution is to make this a Seſſion for the "paſſing of as many good Laws, as in convenient time may be prepared; "and at *Michaelmas*, or within a few days after, to have a new Seſſion A "and another at the Spring. And in the mean time, you may go down "and acquaint your ſelves with the grievances of my people; and you "ſhall ſee my care to make good Lawes, and to reform abuſes; that ſo "my Subjects may find the good fruits of Parliaments, and rejoyce in "them, and I proteſt, as I have asked your Advice in theſe Points, which "I needed not to have done; ſo I will never enter any agreement or "Treaty of Compoſition for peace, which is the end of War, (elſe it is "unjuſt and unchriſtian) without your Advice; and I will help you my B "ſelf, if we enter into a War, to make it allowable to the World, and "Honorable for me.

So the King reſolved and declared his Reſolution to diſſolve the Treaties. Hereupon Bonfires were made in *London*, and the Bells rung for joy.

The King declares his Reſolution to diſſolve the Treaties.

Then the Parliament made haſte to paſs the Act for the grant of three Subſidies, and three Fifteens, to be employed to the uſe aforeſaid; and by the ſame Act, Treaſurers were appointed to receive and diſburſe the Moneys, and a Council of War to manage the Deſign. C

The King made the enſuing Declaration to both Houſes of Parliament.

The King accepts the ayd profered him.

"MY Nobles and Gentlemen, the laſt time I ſpake to you anent this "great buſineſs, I told you what in my opinion was neceſſarily "required to the beginning of it. The Reaſons whereof you have truly ſet "down out of my laſt Speech, wherein I ſhewed you what good it would "do, and what harm it might free us from; to expreſs particular Aids at D "this time as well as general Promiſes. It is true, I muſt confeſs that how "far you declare your ſelves, is ſufficient for the preſent entrance into "the buſineſs, though a great deal ſhort of what I told you it would re- "quire. But as God bares me record, and I think the hearts of all my "loving Subjects will teſtifie for me, I never did ſtick for money but on- "ly deſired you to clear your ſelves by particulars, that I may ſee how "I may be able to go through ſo great a matter, at leaſt to make a good "beginning of the War; for what the end will be, God knows. E

"So on the other part, I gave you thanks for your general offer, by "which you did engage your ſelves in your Lives and Eſtates, which is "more than Forty Subſidies, if you had named them, and more worth "than a Kingdom; for the ſtrength of a King, next under the Protection "of God, ſtands in the hearts of his people, And I muſt needs ſay, in this "particular, it is without example, that ever any Parliament for a begin- "ning, gave to a King ſo great a Supply to be levied in ſo ſhort a time: "This may well ſerve for a preparation. And for my part, firſt, con- F "ſidering your general offer, (which is ten times more to me than all "Subſidies) and next conſidering that theſe particulars coming from "you, be as much as at once you are able to pay in ſo ſhort a time, being "within a year, and as much as may be well expected: Therefore with "as much love, and as great thanks, as a loving and kind King can give

"to

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"to ſo loving and dutiful people, I thank you for your offer, and do "accept it.

"I told you before, that I would never have craved your advice to "reject it, and ſo to put a ſcorn upon you: Think me not the Man.

"It is true, I think no wiſe King can undertake ſo great a bargain, "but he muſt well be-think himſelf before-hand: and I account it bet- "ter that a King adviſe well before he take a Reſolution, than adviſe A "raſhly, and after repent. Therefore my Lords and Gentlemen, I de- "clare unto you, That as I am willing to follow your Adviſe in the an- "nulling and breach of the Two Treaties, both of the Match and of the "*Palatinate*: ſo on the other part, I aſſure my ſelf, you will make "good what you have ſaid, That what you adviſe me unto, you will "aſſiſt me with your wiſdom, and Council, and Forces, if need require.

"I pray you have a charitable opinion of me, as you are to have of a "King who hath ſo long ruled and governed over you, (and I may vaunt B "my ſelf thus far to have done it with juſtice and Peace.) But as I told "you before, all my forbearance hath been for ſparing the effuſion of "Chriſtian Blood, and as the moſt eaſie and probable way for recover- "ing the *Palatinate* for my Children. It is true I have been ſo long delay- "ed and payed with generals, that I dare not longer truſt unto that "which made me erre. The Duke of *Buckingham* made a particular rela- "tion unto you, of all that buſineſs; and I am ſure ſuch an account was "never before given in Parliament, that thereby you may know what C "to truſt to. I could in this caſe have reſolved my ſelf, but I thought it "could not but be both a ſtrength and honor to me to have the advice "of my people.

"My Lords, in the late Parliament I then declared it unto you, that "I was reſolved, without reſpect of Friendſhip, or Match, or whatſoever, "to have the *Palatinate* one way or other: I hope you remember it.

"God is my Judge and Saviour, I never had any other end, and it "is pity I ſhould live to have any other end; and for my part, except by D "ſuch means as God may put into my hands, I may recover the *Palati-* "*nate*, I could wiſh never to have been born. I am old, but mine only "Son is young, and I will promiſe for my ſelf and him both, that no "means ſhall be unuſed for the recovery of it; and this I dare ſay, as old "as I am, if it might do good to the buſineſs, I would go in mine own "perſon, and think my labour and travel well beſtowed, though I ſhould "end my daies there. For if I ſhould ſpare any means poſſible for the "recovery of it; then let me be thought not worthy to Reign over E "you; and in good faith, I never reſolved to live with other mind; "and I will ſay more, there was never any Enemy of my Son-in-law, "with whom I talked on of the buſineſs or any that ever I ſpake with "of the ſame; which did not ſay, and confeſs I had reaſon to have the "*Palatinate*, one way or other: And when they ſay that it is good reaſon "and themſelves allowed it, it is a good ſpur to him to think on it.

"My Lords and Gentlemen, thus far aſſure your ſelves, I will go "chearfully about it, to prepare all things poſſible for it; and as you F "have given the means, ſo will I employ them toward it.

"In the next degree, I hope you will think of me, but that I leave "to your own council and conſideration. But *I proteſt to God*, a penny "of this Money ſhall not be beſtowed but upon this Work, and by your "own Committees; and I aſſure my ſelf, you will think of me for a "Double Reaſon, My Cuſtoms are likely to fall, by occaſion of the

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"War, and my Charges increaſe; but undertaking the War, I muſt go "through with it one way or other, though I ſell my Jewels and "all.

"In the next Seſſion you will conſider how this hath been husbanded; and according to that, think what is next to be done; and it will "ſpur you the more to enable me for the reſt, whereof I ſpake to you "before.

His Majeſty further ſaid, "I will clear you in ſome things; for I will A "not deal with you in any thing, but fairly and clearly as a King: "though I have broken the *Necks of three Parliaments*, one after another "I hope that in this Parliament you ſhall be reſolved of the ſincerity "of my heart, and of your duties and affections, that this ſhall be a "happy Parliament, and make me greater and happier then any King "of *England* ever was.

"In my laſt ſpeech I promiſed you, that if I accepted your offer, I "would follow your advice, and would not after hearken to any Treaty B "of Peace, without firſt acquainting you, and requiring your Advice; "and I likewiſe promiſed nothing ſhould be ſpent of your Monies, but "by your own Committees. But I deſire you to underſtand, That I "muſt have a faithful ſecret Council of War, that muſt not be ordred "by a multitude, for ſo many deſigns may be diſcovered before hand: "and one peny of this Money ſhall not be beſtowed, but in ſight of your "own Committees. But where I ſhall ſend twenty Thouſand pounds "or Ten thouſand pounds; whether by Sea or Land, Eaſt or Weſt, by C "Diverſion, or otherwiſe by Invaſion upon the *Bavarian* or Emperor, "you muſt leave that to your King.

"Aſſure your ſelves, my delay hitherto was upon hope to have gotten "it without a War. I held it by a hair, hoping to have gotten it by a "Treaty; but ſince I ſee no certainty that way, I hope that God who "hath put it into your hearts thus to adviſe me, and into my heart to "follow your Advice, will ſo bleſs it, That I ſhall clear my Reputation "from obloquie: and in deſpight of the Devil, and all his inſtruments, D "ſhew that I never had but an honeſt heart. And I deſire, that God "would bleſs our labours for the happy Reſtitution of my Children; "and whoſoever did the wrong, I deſerved better at their hands.

After this, the King purpoſing to ſignifie to the King of *Spain*, That his Parliament had adviſed him to break off the Treaties, and to recover the *Palatinate* by War: The notice of a ſharp *Petition* againſt Popiſh Recuſants framed by the Houſe of Commons, and ſent up to the E Lords for their Concurrence did a little ſtaggar his Reſolution, as appeareth by the following Letter written with his own hand to Secretary *Conway*.

King *James* his Letter to Secretary *Conway* touching a Petition againſt the Papiſts.

I Doubt not but you have heard what a ſtinging Petition againſt the Papiſts, the Lower Houſe have ſent to the Higher Houſe this day, that they might joyntly preſent it unto me. Yet know my firm reſolution not to make this a War, of Religion; and ſeeing I would be loth to be Cony-Catched *by my people, I pray ſtay the Poſt that is going to* Spain, *till I meet with my Son, who will be here to morrow morning: Do it upon pretext of ſome more Letters you are to ſend by him; and if he ſhould be gone, haſten after him to ſtay him upon ſome ſuch pretext; and let none living know of this, as you love* F

me

2 Caroli.

me. And before two in the afternoon to morrow, you ſhall without fail hear from me, Farewel.

James R.

A The Petition which the King called a ſtinging one, was intended to be preſented to his Majeſtie from both Houſes in form as followeth,

May it pleaſe your moſt Excellent Majeſty,

The Petition.

B WE your Majeſties moſt humble and loyal Subjects, the Lords and Commons in this preſent Parliament aſſembled, having to our ſingular Comfort received your princely Reſolution upon our humble Petition, to diſſolve the two Treaties of the Match and of the Palatinate; and having on our parts with all alacrity and readineſs humbly offered our aſſiſtance to your Majeſty, to maintain the War which may enſue thereupon: yet with all ſenſibly finding what Seditious and Traiterous Poſitions thoſe Incendiaries of Rome, and profeſſed Engins of Spain, the Prieſts and Jeſuits infuſe into your natural born Subjects; what numbers they have ſeduced, and do daily ſeduce, to make their dependance on the Pope of Rome C and King of Spain, contrary to their Allegiance to your Majeſty their Leige Lord; what daily reſort of Prieſts and Jeſuits into your Kingdoms; what concourſe of Popiſh Recuſants, much more than uſual, is now in and about the City of London; what boldneſs, yea, what inſolency they have diſcovered out of the opinion conceived of their foreign Patronage? what publick reſort to Maſſes, and other Exerciſes of the Popiſh Religion, in the Houſes of foreign Ambaſſadors there is daily to the great grief and offence of your good Subjects; what great D preparations are made in Spain fit for an Invaſion, the bent whereof is as probable to be upon ſome part of your Majeſties Dominions as upon any other place; what encouragement that may be to your Enemies, and the Enemies of your Crown, to have a party, or but the opinion of a party within your Kingdoms, who did dayly encreaſe and combine themſelves together for that purpoſe; what diſheartning of your good and loving Subjects, when they ſhall ſee more cauſe of fear from their falſe-hearted Countrey-men at home, than from their profeſſed Adverſaries abroad; what apparent dangers by Gods providence E and your Majeſties wiſdom and goodneſs they have very lately eſcaped which the longer continuance upon thoſe Treaties, upon ſuch unfitting Conditions, fomented by your own ill-affected Subjects, would ſurely have drawn upon your Majeſty, and your State; Do in all humbleneſs offer unto your ſacred Majeſty theſe their humble Petitions following.

F I. That all Jeſuites and Seminary Prieſts, and all others having taken orders by any Authority derived from the See of Rome, may by your Majeſties Proclamation be commanded forthwith to depart out of this Realm, and all other your Highneſs's Dominions; and neither they, nor any other to return or come hither again, upon peril of the ſevereſt penalty of the Lawes now in force againſt them; and that all your Majeſties Subjects may hereby alſo be admoniſhed not

to

An. 1623.

to receive, entertain, comfort, conceal any of that diſtrous brood, upon penalties and forfeitures which by the Lawes may be impoſed upon them.

II. That your Majeſty would be pleaſed to give ſtreight and ſpeedy charge to the Juſtices of Peace in all parts of this Kingdom, that (according to the Lawes in that behalf made and the Orders taken by your Majeſties Priby-Council heretofore for policy of State) they do take from all Popiſh Recuſants legally convicted, or juſtly ſuſpected, all ſuch Armor, Gunpowder, and Munition of any kind, as any of them have either in their own hands, or in the hands of any other for them, and to ſee the ſame ſafely kept and diſpoſed, according to the Law, leaving for the neceſſary defence of their houſe and perſons, ſo much as by the Law is preſcribed. A

III. That your Majeſty will pleaſe to command all Popiſh Recuſants and all other who by any Law or Statute are prohibited to come to the Kings Court, forthwith under pain of your heavy diſpleaſure and ſevere execution of your Laws againſt them, to retire themſelves their Wives and Families from or about London, to their ſeveral dwellings, or places by your Laws appointed, and there to remain confined within five miles of their dwelling places, according to the Laws of this your Realm: and for that purpoſe to diſcharge all By-paſt Licences granted unto them for their repair hither; and that they preſume not any time hereafter to repair to London, or within ten miles of London, or to the Kings Court, or to the Princes Court, whereſoever. B C

IV. That your Majeſty would forbid and reſtrain the great reſort and Concourſe of your own Subjects, for the hearing of Maſſe, or other Exerciſes of the Romiſh Religion, to the Houſes of forreign Ambaſſadors, or Agents, reſiding here for the ſervice of their ſeveral Princes or States.

V. That where of late in ſeveral Counties in this Realm ſome have been truſted in the places of Lord Lieutenants, Deputy Lieutenants, Commiſſioners of Oyer and Terminer, Juſtices of Peace, and Captains of their Countreyes, which are either Popiſh Recuſants or Non-Communicants, by the ſpace of a year now laſt paſt, or which do not uſually reſort to the Church to Divine Service, and can bring no good Certificate thereof; that your Majeſty would be pleaſed to diſcharge them from theſe places of truſt, by which they have that power in the Countrey where they live, as is not fit to be put into the hands of perſons ſo affected. D E

VI. That your Majeſty would be pleaſed generally to put the Laws in due Execution, which are made, and ſtand in force againſt Popiſh Recuſants; and that all your Judges, Juſtices, and Miniſters of Juſtice, to whoſe care theſe things are committed, may by your Majeſties Proclamation be commanded to do their duty therein.

VII. That ſeeing we are thus happily delivered from that danger which theſe Treaties now diſſolved, and that uſe which your ill-affected Subjects made thereof would certainly have drawn upon us; and cannot but fore-ſee and fear leſt the like may hereafter happen, and unavoidably bring ſuch peril to your Majeſties Kingdoms: We are moſt humble Suitors to your Gratious Majeſty, to ſecure the F

hearts

hearts of your good Subjects by the ingagement of your Royal word unto them; That upon no occaſion of Marriage or Treaty, or other requeſt in that behalf from any forrein Prince or States whatſoever, you will take off, or ſlacken the Execution of your Laws againſt the Popiſh Recuſants. 22 *Jacobi.*

To which our humble Petitions, proceeding from our moſt Loyal and dutifull affections toward your Majeſty, our care of our Countries good, and our confident perſwaſion that this will much advance the Glory of Almighty God, the everlaſting honor of your Majeſty, the ſafety of your Kingdom, and the encouragement of all your good Subjects: We do moſt humbly beſeech your Majeſty to vouchſafe a gracious Anſwer.

This Petition after a Conference between both Houſes, was reduced to another form, and ſo preſented to the King.

To which his Majeſty returned this Anſwer.

My Lords and Gentlemen of both Houſes,

His Majeſties Anſwer to the Petition.

"I Cannot but commend your *zeal* in offering this Petition to me, "yet on the other ſide, I cannot but hold my ſelf unfortunate, that I "ſhould be thought to need a Spur to do that which my Conſcience and "Duty bindes me unto. What Religion I am of, my Books do Declare, "my profeſſion and behavior doth ſhew, and I hope in God I ſhall never "live to be thought otherwiſe; ſurely I ſhall never deſerve it; and for "my part, I wiſh it may be written in *Marble*, and remain to Poſterity "as a mark upon me, when I ſhall ſwerve from my *Religion*; for he "that doth *diſſemble* with *God, is not to be truſted* with men.

"My Lords, for my part *I proteſt before God*, that my heart hath "bled when I have heard of the increaſe of *Popery*; *God* is my *judge*, "it hath been ſuch a great grief to me, That it hath been as Thorns in "my Eyes and Pricks in my Sides; and ſo far I have been, and ſhall be "from turning another way. And my Lords and Gentlemen, you ſhall "be my *Confeſſors*, that one way or other it hath been my deſire to hin- "der the growth of *Popery*; and I could not be an honeſt man if I ſhould "have done otherwiſe. And this I may ſay further, that if I be not a "*Martyr*, I am ſure I am a *Confeſſor*; and in ſome ſenſe I may be cal- "led a Martyr, as in the Scripture *Iſaac* was perſecuted by *Iſhmael* by "mocking words: for never King ſuffered more ill *Tongues* than I have "done, and I am ſure for no cauſe; yet I have been far from perſecution; "for I have ever thought that no way more encreaſed any Religion than "perſecution, according to that ſaying, *Sanguis Martyrum eſt ſemen eccleſiæ*

"Now my Lords and Gentlemen, for your Petition, I will not "only grant the ſubſtance of what you crave, but add ſomwhat more "of my own; for the two Treaties being already annulled (as I have "declared them to be) it neceſſarily follows of its ſelf, that which you "deſire, and therefore it needs no more; but that I do declare by *Pro-* "*clamation* (which I am ready to do) that all *Jeſuits* and *Prieſts* do "depart by a day; but it cannot be as you deſire by our Proclamation "to be out of all my Dominions; for a Proclamation here extends but "to this Kingdom.

"This I will do and more, I will command all my Judges when they

"go

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"go their Circuits, to keep the ſame courſes, for putting all the Laws in "Execution againſt *Recuſants*, as they were wont to do before theſe "Treaties, for the Laws are ſtill in force, and were never diſpenced with "by me: God is my *Judge*, they were never ſo intended by me; but as "I told you in the begining of the Parliament, you muſt give me leave "as a good Horſeman, ſometimes to uſe the *Reins*, and not always to "uſe the *Spurs*: ſo now there needs nothing but my Declaration for "the *diſarming* of them; that is ready done by the Laws, and ſhall be A "done as you deſired: and more, I will take order for the ſhameful diſ- "order of the reſorting of my Subjects to all foreign Ambaſſadors; for "this I will adviſe with my Council how it may be beſt reformed. It "is true that the Houſes of Ambaſſadors are priviledged places; and "though they cannot take them out of their Houſes, yet the Lord *Mayor* "and Mr. Recorder of *London*, may take ſome of them as they come "from thence, and make them examples; another point I will add con- "cerning the education of their Children, of which I have had a prin- B "cipal care as the Lord of *Canterbury*, and the Biſhop of *Wincheſter*, "and other Lords of my Council can bear me witneſs, with whom I "have adviſed about this buſineſs; for in *good faith* it is a ſhame their "Children ſhould be bred here, as if they were at *Rome*. So I do grant "not only your deſire, but more. I am ſorry I was not the firſt mover "of it to you, but had you not done it, I would have done it my "ſelf.

"Now for the ſecond part of your Petition, you have here given me C "the beſt advice in the World; for it is againſt the Rule of wiſdom that "a King ſhould ſuffer any of his Subjects to tranſgreſs the Laws by the "*interceſſion* of other *Princes*: and therefore aſſure your ſelves that (by "the *Grace* of *God*) I will be careful that no ſuch conditions be foiſted "in upon any other Treaty whatſoever; for it is fit my Subjects ſhould "ſtand or fall to their own Laws.

The Spaniſh Ambaſſadors accuſe *Buckingham* to the King of matters of high concernment.

This Petition was furthered by the Duke of *Buckingham*, who ſtill D reteined the memory of his ill-uſage in *Spain*, and the Spaniſh Ambaſſa- dor being netled thereat, accuſed him to the King, not without ſome reflection upon the Prince himſelf; with ſome difficulty they procured a ſecret entercourſe with the King, and ſuggeſted unto him matters of near and high concernment to his Royal dignity and perſon. They tel him, that being beſieged, and cloſed up by the Dukes Servants and Vaſ- ſals, he was no more a Freeman: That he was to be confined to his Coun- trey Houſe and Paſtimes, the Prince having years and parts anſwer- E able for publick Government. That the Duke had reconciled himſelf to all popular men, ſuch as *Oxford*, *Southamton*, *Eſſex*, *Say*, and others, and ſought to raiſe an opinion of his own greatneſs, and to make the King grow leſs; and that looked towards the *riſing Sun*. Hereupon they adviſe the King to free himſelf from this Captivity, and imminent danger, and to cut off ſo ungrateful an affector of Popularity, and great- neſs, and ſo he ſhould ſhew himſelf to be as he was reupted, the *oldeſt and wiſeſt King in Europe*. F

Theſe ſecrets were quickly blown abroad, and brought to the Dukes Ear. But whatſoever impreſſion the King received from them, the thing whereupon he inſiſted openly, was the demand of particular proofs. But all their Anſwers conſiſted of arguments againſt declaring the names of the Conſpirators; whereupon the Kings Privy-Coun- ſellors

ſellors, and other principal Subjects were examined upon Oaths, and Interrogatories moſt pertinent to the accuſation were propounded to them; but this examination diſcovered nothing. The King turned again to the Ambaſſadors, with new inſtances to make a clear diſcovery; but they ſtill reſolved to conceal the Authors. *22 Jacobi.*

And it was alledged by their Partakers, and intimated to the King, that the things were ſuch, as could not be evidenced by legal proofs, be-
A cauſe the perſons, by whoſe teſtimony they may be confirmed, do, for fear of a moſt potent Adverſary, withdraw themſelves, and the Ambaſſadors never had the freedom perſonally to ſpeak to his Majeſty in the abſence of the Duke of *Buckingham*; an example (ſay they) unuſual with other Kings, and never to be taken well, except when the King is weak in judgment, and wants experience, and a Man wiſe and circumſpect ſupplies his place. But here (ſaid the Ambaſſadors) is a *prudent* King, and a *Favourite* young, raſh, and heady, whoſe continual preſence did argue guilt
B and fear; and his Majeſties moſt faithful Servants dare not ſo much as diſcloſe their minds. Moreover they ſuggeſt, that the buſineſs of the *Palatinate* was by him taken out of the hands of the King's Council, and referred to the Parliament; that he did arrogate to himſelf the thanks of all things acceptable, and was ſtiled the Redeemer of his Countrey; and he would have it believed, that he hath a dominion over the King's and Prince's will. And things ſtanding thus, though many may be found that will ſpeak againſt the King, yet none will appear to ſpeak againſt the
C Duke: For which cauſes theſe cloſe Informers beſought his Majeſty to free his Vaſſals from fear and diffidence, who otherwiſe will dare diſcover nothing for his preſervation.

The iſſue of thoſe Accuſations.

But theſe dark intelligences had no other iſſue, then the moving of King *James* to repreſent to the King of *Spain* the miſcarriages of his Ambaſſadors, remitting the cauſe unto him, with a demand of juſtice and reparation, for that the Information was ſufficient to put impreſſions in him of perpetual jealouſies to the Duke. Hereupon when the Ambaſſadors
D were returned home, they ſuffered a few days confinement, but were afterwards rather rewarded and further employed: For in the Court of *Spain*, *Buckingham*'s name was odious, and the Prince's honour of little value, and the King's reputation at a low ebb: divers particular Enmities were already begun between the Subjects of both Crowns, the Engliſh Merchants were oppreſſed in the Spaniſh Ports.

The Earl of *Briſtol* proteſts againſt the Duke's Narration, is impriſoned in the *Tower*.

Notwithſtanding the Duke's vaſt power and popularity, the Earl of *Briſtol* refuſed to bow before him. The Earl, though his Charge were
E heavy, and his Cauſe ſtrongly prejudiced, did not abandon his own defence, but proteſted againſt the Duke's *Narration* of the Spaniſh affairs, and was committed to the *Tower*, being not admitted into the King's preſence, nor to plead his Cauſe before him. He was to the Duke a ſtout and dangerous Enemy; inſomuch that he was ſaid to violate the Rules of the prudent *Marriner*, who in a ſtorm and foul weather, is accuſtomed rather to pull down, then to hoiſe up Sails.

Saturday the 29 of *May*, the King being come to the Houſe of Peers,
F and his Majeſty and the Lords in their Robes, Sir *Thomas Crew* Speaker, being come to the Bar, and the Commons preſent, he made this Speech.

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The Speakers and the King's Speech at the Adjournment of the Parliament.

"THat God, to his own great glory, had brought this Seſſion of the "Parliament, ſo happily begun, to ſo happy an end, that both Houſes, and every particular Member thereof, hath given their wil- "ling aſſent, even with *one voice*, unto the *Advice* which his Majeſty was "pleaſed ſo low to deſcend as to demand of them. As there was not an "hammer heard in the building of the *Houſe of God*, ſo in this great buſineſs, there was not a *Negative voice*, nor any jarring amongſt them: But "their time was wholly ſpent in the buſineſs of Parliament, in which they "had prepared many Bills profitable for the Common-wealth, and ſhewed the ſeveral natures of thoſe Bills: ſome for the ſervice of God, and "reſtraint of *Recuſants*; ſome to redreſs the Enormities of the Common- "wealth; others of his Majeſtie's grace and bounty to his people; and "ſome concerning the Prince's Highneſs touching his own Lands; and "others to ſettle ſtrife in particular Eſtates: All which do wait for, and "humbly deſire his Majeſtie's Royal aſſent.

"He ſhewed alſo what great joy they all received for the Diſſolution "of the two Treaties with *Spain*; and that Commiſſioners are required "to ſee the Edicts perform'd againſt *Recuſants* and *Jeſuits*, the Locuſts "of *Rome*, wherein will conſiſt his Majeſty's chiefeſt ſafety. And they do "render him humble thanks for their antient *Priviledges*, which they ful- "ly enjoyed this Parliament, and their ſo often acceſs unto his Majeſty's "preſence; and more eſpecially for his Majeſty's general, large, liberal, "and free Pardon, ſhewing the benefit thereof, and reciting the particu- "lars. He alſo preſented the Bill of Three entire *Subſidies*, and Three *Fif-* "*teens* and *Tenths* granted this Seſſion, and declared the cheerfulneſs of "the grant thereof: and making his earneſt Prayers unto Almighty God "to direct his Majeſty's heart to make his own *Sword* his *Sheriff*, to put "his Son-in-law in poſſeſſion of his *Palatinate*, the antient Inheri- "tance of his Royal Grand-children, he ended, humbly craving par- "don for himſelf and his own errors committed this Seſſion.

"Unto which his Majeſty preſently made anſwer, beginning with the "laſt of the Speaker's Speech touching their freedom, which he promiſed "to continue unto them in as large a manner, as ever they enjoy'd the "ſame. And for the Reſtitution of his Son-in-law, proteſted his conti- "nual care thereof, and his great grief if he ſhould not ſee an aſſured hope "before he died; and vowed, that all the *Subſidies*, for which he hearti- "ly thanked them, though it had not been ſo tied and limited, ſhould "have been beſtowed that way. His Majeſty remembred them, that "nothing was given to relieve his own wants; which he expecteth at "the next Seſſion the beginning of Winter. He acknowledged the obe- "dience and good reſpect of the *Commons* in all things this Parliament, "for which (as he was pleaſed to ſay) he thanks them heartily, and with- "out complement; and if they pleaſe to continue the ſame at the next "meeting, it will make this the happieſt Parliament that ever was.

"His Majeſty ſpake alſo of the *Grievances* preſented unto him yeſter- "day by the *Commons* at *Whitehall*, promiſing them a full anſwer at their "next meeting: That he had looked over them, and was glad they were "of no greater importance. His Majeſty remembred the Houſe to handle "*Grievances* at their next meeting, and to hunt after none, nor to preſent "any but thoſe of *importance*: He promiſed to go over them all, & to give "a free anſwer, ſuch as ſhould be good for his People, not reſpecting any

"Creature

22 *Jacobi.*

"Creatures whatſoever, and that he will adviſe herein with his Council
"and Judges. At this time His Majeſty ſaid, he would ſhew them his grie-
"vances; firſt, that they grieve at the Reformation of Building about
"*London* with Brick, which he intended onely for the Beauty and more
"ſafety of the City, therefore he will go through with it; and if the
"Commiſſioners offend herein, let the party aggrieved complain, and he
"will redreſs it; and that the form of proceedings uſed by the Commons
A "in this Parliament is alſo a grievance unto his Majeſty, for that they
"did not call the Commiſſioners, whom they complained of, before
"them, touching their complaint againſt Doctor *Aynan*; his Majeſty
"ſaid, their Oath of Supremacy forbids them to meddle with Church
"matters: beſides, they complain againſt him, and never heard him,
"touching their complaint againſt the *Apothecaries*, his Majeſty proteſt-
"ed his care therein to be onely for his peoples health; it is dangerous
"for every one to meddle with *Apothecaries* ware, and the *Grocers* have
B "a Trade beſide.

"His fourth Grievance is, that Seditious Books are ſo frequently
"printed, which he will be careful to prevent hereafter.

"Fifthly, for calling ſo many many Patents, appointing the Patentees
"to wait ſo many days with their Council, and never to hear them;
"wherefore his Majeſty warned them to call for no more hereafter, un-
"leſs they firſt knew them to be grievous to the People. And ſo his Maje-
"ſty concluded with thanks for the Commons good carriage towards
C "him and his Lords this Seſſion.

Then the Lord Keeper ſpake to the particulars of the Speaker's Speech, and by his Majeſty's command approved them all, alluding the general conſent of both Houſes to the *Septuagint* directed by the Holy Ghoſt; and touching the Speakers deſire for the King's aſſent to the Bills paſt both Houſes, he ſaid, the Royal Aſſent is proper to the Law-giver; and ſhewed, that it is beſt for the people; that this is in his Majeſty's power, and not in themſelves; for the King knoweth what is beſt to be
D granted unto his people, as may appear by the Petition that *Bathſheba* made to King *Solomon*, to give unto *Adonijah Abiſhag* to Wife; which had *Solomon* granted, he had given *Adonijah* means to uſurp the Kingdom, contrary to *Bathſheba's* meaning; and ſuch is his Majeſty's intent this day, for ſuch Bills which he will not paſs. That his Majeſty hath given his conſent to all the Bills of Grace, and to the Bill of the continuance of ſome Statutes, and repeal of others, ſo neceſſary, and for the good of the people. That his Majeſty accepteth in good part their thanks for his general Par-
E don, which he hath ſo freely granted unto his Subjects; but his eſpecial command is, That thoſe that are in Office, do look ſtrictly to the execution of Laws againſt Recuſants: The Suſidies his Majeſty graciouſly accepteth, and therefore imitates not the ſtory in *Macrobius*, of one who had all his debts paid, and inſtead of thanks, anſwered, *mihi nihil*: Though this be given to the *Palatinate*, his Majeſty interpreteth it as given to himſelf, and rendreth to you all hearty thanks for the ſame.

The Lord Keeper having ended his Speech, the Clerk of the Crown
F ſtood up, and read the Title of the Bills paſſed both Houſes; and the Clerk of the Parliament read his Majeſty's *Anſwer* to each Bill, which being done, his Majeſty remembred the breaking up of three Parliaments together, and the happy concluſion of this Seſſion, and puts the Commons again in mind, that at their next meeting they do ſo carry themſelves, that this Parliament may be as happily continued to the end.

An. 1624.

At the Parliament holden at *Weſtminſter*, by Prorogation, the Nineteenth day of *February*, *Anno Regis Jacobi, Angliæ, Franciæ, & Hiberniæ viceſimo primo, & Scotiæ quinquageſimo ſeptimo*, theſe Acts were paſſed.

1. AN Act for making perpetual an Act made, *Anno* 39 *Eliz.* Entituled, *An Act for the Erecting of Hoſpitals and Workhouſes for the Poor.*

2. An Act for the quiet of the Subjects againſt Concealments.

3. An Act concerning Monopolies, and Diſpenſations with Penal Laws.

4. An Act for eaſe of the Subjects concerning Informations upon Penal Statutes.

5. An Act, that Sheriffs, their Heirs, *&c.* having a *Quietus eſt*, ſhall be diſcharged of their Accompts; with the Judges opinion therein.

6. An Act concerning Women convict of ſmall Felonies.

7. An Act to repreſs Drunkenneſs, and to reſtrain the haunting of Inns, *&c.*

8. An Act to puniſh abuſes in procuring *Superſedeas* of the Peace out of the Courts at *Weſtminſter*, and to prevent the abuſes in procuring Writs of *Certiorari* out of the ſaid Courts, *&c.*

9. An Act for the Free Trade of Welſh Clothes, *&c.* in *England* and *Wales.*

10. An Act to repeal a branch of the Statute, *An.* 34 *Hen.* 8. Entituled, *An Act for certain Ordinances in the King's Dominions, and Principality of Wales.*

11. An Act for confirmation of a Judgment given for his Majeſty in a *Scire facias* againſt *Henry Heron*, and for Declaration of the Letters Patents therein mentioned to be void.

12. An Act to make perpetual the Act for eaſe in pleading againſt troubleſome Suits, proſecuted againſt Juſtices of the Peace, Mayors, *&c.*

13. An Act for the further reformation of Jeofails.

14. An Act to admit the Subject to plead the general Iſſue in *Informations of Intruſion* brought on the King's behalf, and to retein his poſſeſſion till Trial.

15. An Act to enable Judges and Juſtices to give reſtitution of Poſſeſſion in certain Caſes.

16. An Act for limitation of Actions, and for avoiding of Suits in Law.

17. An Act againſt Uſury.

18. An Act for the continuance of a former Statute made 4 *Jac.* Entituled, *An Act for the true making of Wollen Clothes.*

19. An Act for the further deſcription of a Bankrupt, and relief of Creditors againſt ſuch as ſhall become Bankrupts, and for inflicting of Corporal puniſhment upon them in ſome Caſes.

20. An Act to prevent Swearing and Curſing.

21. An Act concerning Hoſtlers and Inholders.

22. An

22. An Act for explaining a Statute, *An.* 3, 4, & 5 *Ed.* 6. concerning the Traders of Butter and Cheeſe. 22 *Jacobi.*

23. An Act to avoid Delays, by removing of Actions out of Inferiour Courts.

24. An Act for relief of Creditors againſt ſuch as die in Execution.

25. An Act for relief of Patentees, Tenants, and Farmers of Crown-Lands, and Dutchy-Lands.

A 26. An Act againſt ſuch as ſhall levy any Fine, ſuffer any Recovery, knowledge any Statute, Recognizance, Bail or Judgment, in the name of any perſon not privy thereunto.

27. An Act to prevent the murthering of Baſtard-children.

28. An Act to continue divers Statutes, and repeal others.

29. An Act to enable Prince *Charles* to make Leaſes of Land, parcel of the Dutchy of *Cornwal*, or annexed to the ſame.

30. An Act to aſſure *York-houſe* and other Lands to the King, and to
B aſſure the Mannors of *Brighton*, *Santon*, and other Lands, to the Archbiſhop of *York*, &c.

31. An Act for the good Government of the Makers of Knives in *Hallam-ſhire* in the County of *York*.

32. An Act to make the *Thames* Navigable from *Bercot* to *Oxon*.

33. An Act for the Subſidies of the Clergy.

34. An Act for Three Subſidies, Three Fifteenths, and Tenths, granted by the Temporality, with the Judges opinions.

C 35. An *Act* for the King's General Pardon.

Private Acts.

36. An *Act* for the Confirmation of *Waddam-Colledge* in *Oxon*, and the Poſſeſſions thereof.

37. An *Act* for the Naturalizing of *Philip Burlemachi*.

38. An *Act* for the Naturalizing of *Giles Vandeput*.

39. An *Act* to enable *William* Earl of *Hereford*, and Sir *Francis Seymor* Knight, to ſell Lands for the payment of Debts; and eſtabliſhing
D other Lands.

40. An *Act* for the Naturalizing of Sir *Robert Anſtrother*, Sir *George Abercromy*, Knights; and *John Cragg* Doctor of Phyſick.

41. An *Act* to confirm the Copy-holders Eſtates of *Stepney* and *Hackney*, according to a Decree in *Chancery*, between the Lord of the Mannor, and the ſaid Copy-holders.

42. An *Act* to confirm an Aſſurance of Lands ſold by *Thomas Beaumont*, Knight, and his Wife, to Sir *Thomas Cheek*, Knight.
E

43. An *Act* to erect a Free-School and Alms-houſe, and Houſe of Correction in *Lincolnſhire*.

44. An *Act* to enable *Martin Calthrop* to ſell Lands, for preferment of younger Children, and payment of Debts.

45. An *Act* for ſetling the Mannor of *Goodneſton*, and other Lands of Sir *Edward Ingram*, Knight.

46. An *Act* to enable Dame *Alice Dudley*, Wife of Sir *Robert Dudley*,
F Knight, to aſſure the Mannor of *Killingworth* and other Lands, to Prince *Charles*.

47. An *Act* to confirm an Exchange of Lands between Prince *Charles*, and Sir *Lewis Watſon*, Knight and Baronet.

48. An *Act* for the ſetling of the Lands of *Anthony* Vicount *Montague*, for payment of his Debts, and raiſing of Portions.

49. An

An. 1625.

49. An *Act* to enable Sir *Richard Lumley* Knight, to ſell Lands for the payment of his Debts, and preferment of Children.

50. An *Act* to confirm a Decree in *Chancery*, made by the conſent of the Lord *Painſwick* in *Com. Glouc.* and his Cuſtomary Tenants there.

51. An *Act* for the Naturalization of Sir *Francis Steward* Knight, *Walter Steward*, *James Maxwel*, *William Car*, and *James Levingſton*, Eſquires. A

52. An *Act* for the Naturalization of *John Young*, Doctor of Divinity.

53. An *Act* for the Naturalizing of *Jane Murry* Widow, and *William Murry* Eſquire.

54. An *Act* to make good a Conveyance of *Little Munden*, made from Sir *Peter Vanlore* Knight, and Sir *Charles Cæſar* Knight, unto *Edmond Woodhall* Eſquire, and his Heirs.

55. An *Act* to enable *Vincent Low* to ſell Lands, for payment of his Debts. B

56. An *Act* to enable *Toby Palyvicine* to ſell Lands, for the payment of Debts, and preferment of Children.

57. An *Act* for Naturalizing of Sir *Robert Carr*, Knight.

58. An *Act* to confirm the Mannor of *New Langport* and *Seavans*, and other Lands, late being the Inheritance of Sir *Henry James* Knight, in a *Præmunire* convicted, unto *Martin Lumley*, Lord Mayor of *London*, *Alice Woodriff* Widow, and *Edward Cropley*, &c. C

59. An *Act* for Naturalizing of Sir *Stephen Leiſure*.

60. An *Act* for Naturalizing of *James* Marquis of *Hamilton*.

61. An *Act* for Naturalizing of Sir *William Anſtrother* Knight, Doctor *Balcanqual*, and *Patrick Abercromy*.

62. An *Act* to confirm the ſale of Lands made by Sir *Edward Heron* Knight, unto *Bevel Mouldſworth* Eſquire, and to enable the ſaid Sir *Edward* to ſell other Lands for payment of Debts, and to ſell other Lands upon *Robert* and *Edward Heron*. D

63. An *Act* for the Naturalizing of *Abigal Little*, and *William Little* her Son.

64. An *Act* for the eſtabliſhing of Lands upon *John Mohun* Eſq; ſon of Sir *Rowland Mohun*, Knight and Baronet, according to the agreements made between them.

65. An *Act* to enable *Edward Alcock* to ſell the Mannor of *Rampton*, and other Lands.

66. An *Act* to explain a Statute made *Anno* 13 *Eliz.* for aſſuring of Eighty two pounds ten ſhillings *per ann.* to the Biſhop of *Coventry* and *Lichfield* for ever, out of Mannors and Lands thereby aſſured to *Edmund Fiſher* and his Heirs. E

67. An *Act* for the eſtabliſhing of three Lectures in Divinity, according to the Will of *Thomas Wettenhal* Eſq;

68. An *Act* for the repairing the River running to *Colcheſter*, and paving the Town there.

69. An *Act* to enable *Francis Clerk* Knight, to ſell Lands, for the Payment of Debts, and raiſing of Portions. F

70. An *Act* for altering of Gavel-kind-Lands, being late the Lands of *Thomas Potter* Eſq; Sir *George Rivers* Knight, and Sir *John Rivers* Baronet, and to ſettle the Inheritance of them upon Sir *John Rivers* and his Heirs.

71. An

71. An Act to make the Lands of *Thomas* Earl of *Middleſex* ſubject to the payment of his Debts. 22 *Jacobi*

72. An Act for the ſale of the Mannor of *Abbots-Hall*, late the Poſſeſſions of Sir *James Pointz* deceaſed, that the Moneys thereby raiſed may be diſtributed amongſt his Creditors, according to his laſt Will.

73. An Act for the Naturalizing of *Elizabeth Vere* and *Mary Vere*, the Daughters of Sir *Horatio Vere*, Knight.

A This Summer four Regiments of Foot were raiſed for the ſervice of the *United Provinces*, to be employed againſt the Emperor, under the Command of four Noble Colonels, the Earls of *Oxford*, *Eſſex*, and *Southhampton*, and the Lord *Willoughby*.

King *James* demands the Town of *Frankendale* depoſited in the *Arch-Dutcheſs* hands

B The Town of *Frankendale* having been ſequeſtred into the hands of the Archdutcheſs *Iſabella Clara Eugenia*, Infanta of *Spain*, for the term of Eighteen months, and that time now growing to an end, being to expire about the middle of *October* next; the King commanded thoſe Lords and others, that were Commiſſioners in that Treaty between his Majeſty and the Archdutcheſs, to aſſemble and deliberate what was fit to be done, concerning the remanding, receiving, and ordering of that Town. The Commiſſioners unanimouſly were of opinion, That it was fit for his Majeſty, both in Honor and Intereſt, to remand it, and according to the Capitulation, to place therein a Garriſon of Fifteen hundred Foot, and Two hundred Horſe, with ſufficient Victuals for ſix months, and a ſufficient quantity of all Munition. The *Infanta* having accorded in the Treaty to give them a paſſage through the King of *Spain's Low Countreys*; the King approved, and reſolved to follow the advice, and gave order to the Council of War to conſider and diſcuſs the manner of demanding the Town, and the way and means of raiſing the Men, and conducting them thither, and of maintaining and ſupplying the Garriſon with Munition and all things neceſſary.

C

Spinola Marches out of the Town, and immediately re-enters.

D On the day that *Frankendale* was to be re-delivered, *Spinola* with his Forces marcheth out of the Town; and finding none of the King of *Great Britain's* Forces ready to enter it, inſtantly re-enters, and takes poſſeſſion, pulls down the King of *England's* Arms, and ſets up the King of *Spain's*. Yet did the Noble *Spaniard* leave ſtanding the Monument of two Brothers fighting, and ſtout Enemies of theirs; in oppoſition of whoſe valor the *Spaniard* had gained much honor, but overcame them at laſt. The Monument is ſtanding in the Dutch Church in *Frankendale*, upon a fair Tomb, with this Inſcription,

E *In beatiſsimam memoriam Dom. Generoſi* Gulielmi Fairfax *Anglo-Britanni, Honoratiſsimi Domini* Thomæ Fairfax *de Denton in Com. Ebor. Equitis Aurati Filii, Cohortis Anglicani Ducis inſignis; Qui Annis natus circiter XXVI. poſt animi plurima editat eſtimonia invictiſsimi, und cum* Johanne *fratre ſuo juniore, in obſidione Francovalenti, hic factâ eruptione arreptus, ille ictu bombardæ percuſſus. occubuere. Anno* M. DC. XXII.

F

This

An. 1624.

This Monument was erected by the Town of *Frankendale*, in memory of thoſe two Brothers, who were Uncles to *Thomas* Lord *Fairfax*.

King *James* very deſirous of a Match with *France*.

In *France*, the Marriage-Treaty was not ſo fair, ſmooth, and plauſible, in the progreſs, as in the entrance. King *James* admiring the Alliance of mighty Kings, though of a contrary Religion, as alſo fearing the diſgrace of another breach, deſired the Match unmeaſurably; which the *French* well perceived, and abated of their forwardneſs, and enlarg'd their Demands in favour of Papiſts (as the *Spaniards* had done before them) and ſtrained the King to the Conceſſion of ſuch Immunities, as he had promiſed to his Parliament he would never grant, upon the mediation of Forreign Princes. A

The Cardinal *Richelieu* being in the Infancy of his favour, and appointed to the managing of the Treaty, aſſured the Catholicks of *Great Britain*, that the moſt Chriſtian King remembring, that he was born and raiſed up no leſs for the propagation of the Catholick Cauſe, then for the enlargeing of his own Dominions, was reſolved to obtain honorable Terms for Religion, or never to conclude the Match: And for his own part, ſuch was his compaſſion towards them, that if he might work their deliverance or better their condition, not only with Counſel, Intereſt, and Authority, but with his Life and Blood, he would gladly do it. B

The Match with *France* concluded.

However, this Treaty held fewer Months, then the years that were ſpent in that of *Spain*. Indeed, the Motion from *England* had a braver expreſſion, ſeeing a Wife was here conſidered as the only object of the Treaty; whereas that of *Spain* was accompanied with a further expectation; to wit, the rendring of the *Palatinate* to King *James* his Children. In *Auguſt* the Match was concluded, and in *November* the Articles were Sworn unto by King *James*, Prince *Charles*, and the *French* King. The Articles concerning Religion were not much ſhort of thoſe for the *Spaniſh* Match. The concluſion of the Treaty was ſeconded in *France* with many outward expreſſions of joy, as Bonefires, and the like: Whereupon the Privy Council ſent to the Lord Mayor of *London*, requiring the like to be done here. C D

Count *Mansfield* arrives in *England*; 12000 Foot and 2000 Horſe raiſed to go under his Command.

This year Count *Mansfield* arrived in *England*, whoſe reception was ſplendid and honourable: he was entertained in the Prince his Houſe in St. *James's*, and ſerved in great State by ſome of the King's Officers. A Preſs went through the Kingdom for the raiſing of Twelve thouſand Foot, with Two Troops of Horſe, to go under his Command, for the recovery of the *Palatinate*. Theſe Forces were intended to paſs through *France* into *Germany*, the *French* having promiſed, as well an addition of ſtrength, as a free paſſage. E

In the mean while there were thoſe, that ſecretly ſollicited the King to return into the way of *Spain*, and raiſed ſuſpitions of *Mansfield's* Enterpriſe, ſaying, he was the *Palſgrave's* Scout and Spy; and if the *Puritans* deſired a Kingdom, they did not wiſh it to the moſt Illuſtrious Prince *Charles*, his Majeſty's beſt and true Heir, but to the *Palatinate*. That it was the Duke's Plot, and the Parliament's fury, to begin a War with *Spain*; but it will be the glory of his Majeſty's bleſſed Reign, that after many moſt happy years, that Motto of his [*Bleſſed be the Peace-makers*] might even to the laſt be verified of him in the Letter, and be propounded for imitation of the moſt Illuſtrious Prince, and that the experience of his happy Government ſhould carry the Prince in a connatural motion to the ſame Counſels of Peace. F

And

22 Jacobi.

And at the ſame time, the more circumſpect party in the *Spaniſh* Court, held it fit to continue the ſtate of things in a poſſibility of an Accommodation with the King of *Great Brittain*; and *Gondomar* was coming again for *England* to procure a Peace; notwithſtanding the Duke of *Bavaria* uſed all diligence, to combine himſelf with that Crown, offering to depend wholly thereon, ſo that he may be thereby protected in his new acquired Dignity. But in theſe motions the Elector of *Saxony* with many Reaſons, adviſed the Emperor to apply himſelf to the ſetling of a Peace in *Germany*, and with much inſtance beſought him not to deſtroy that antient Houſe of the *Palatinate*.

Count *Mansfield* was at this time in *England*, and the Forces raiſed in the ſeveral parts of the Kingdom for the recovery of the *Palatinate*, were put under his Command; and marching to their Rendezvous at *Dover*, committed great Spoils and Rapines in their paſſage through the Counties. At the Rendezvous the Colonels and Captains were aſſigned to receive their ſeveral Regiments and Companies from the Conductors imployed by thoſe ſeveral Counties where the Men were raiſed.

A Liſt of ſome of the Regiments of Foot deſigned for that Expedition.

I.

EArl of *Lincoln*, Colonel.
Lieu. Col. *Allen*.
Serjeant-Major *Bonithon*.
Sir *Edward Fleetwood*.
Capt. *Wirley*.
Capt. *Reynolds*.
Capt. *Babbington*.
Sir *Matthew Carey*.
Capt. *Barlee*.
Capt. *Cromwell*,

II.

Viſcount *Doncaſter*, Colonel.
Sir *James Ramſey*, Lieut. Colonel.
Alexander Hamilton, Serjeant-Maj.
Capt. *Archibald Duglaſs*.
Capt. *Zouch*.
Capt. *John Duglas*.
Capt. *Pell*.
Capt. *William Duglas*.
Capt. *George Killwood*.
Capt. *Andrew Heatley*.

III.

Lord *Cromwel*, Colonel.
Lieut. Col. *Dutton*.
Serjeant-Major *Gibſon*.
Capt. *Baſſet*.
Capt. *Lane*.
Capt. *Vincent Wright*.
Capt. *Jenner*.
Capt. *Vaughan*.
Capt. *Owſeley*.
Capt. *Crane*.

IV.

Sir *Charles Rich*, Colonel.
Lieut. Col. *Hopton*.
Serjeant-Major *Killigrew*.
Sir *Warham* St. *Leiger*.
Sir *W. Waller*.
Capt. *Burton*.
Capt *Francis Hammond*.
Capt. *Winter*.
Capt. *Goring*.
Capt. *Fowler*.

V.

Sir *Andrew Grey*, Colonel.
Lieut. Col. *Boſwel*.
Serjeant-Major *Coburne*.
Capt. *David Murray*.
Capt. *Murray*.
Capt. *Forbois*.
Capt. *Carew*.
Capt. *Ramſey*.
Capt. *Williams*.
Capt. *Beaton*.

An. 1624.

VI.

Sir *John Burrough*, Colonel.
Lieutenant-Colonel *Bret*.
Serjeant-Major *Willoughby*.
Captain *William Lake*.
Capt. *Roberts*.
Capt. *Webb*.
Capt. *Skipwith*.
Capt. *Thomas Woodhouſe*.
Capt. *George*.
Capt. *Moſtian*.

The Duke of *Buckingham*, Lord Admiral, was required to employ thoſe Ships that were now in the Narrow Seas, or in the Havens ready bound for any Voyage, for the tranſporting this Army from *Dover*. A

Count *Mansfield* received his Commiſſion from King *James*, bore date the Seventh of *November*, One thouſand ſix hundred twenty and four, and was to this effect, That his Majeſty at the requeſt of the Prince Elector *Palatine*, and the Kings Siſter his Wife, doth impower Count *Mansfield* to raiſe an Army for the recovering of the Eſtate and Dignity of the Prince Elector, and appoints that the Forces ſo raiſed ſhould be under the Government of the ſaid Count *Mansfield* for the end aforeſaid. And his Majeſty further Declares, by way of Negative, that he B doth not intend that the ſaid Count ſhall commit any ſpoil upon the Countreys or Dominions of any his Majeſties Friends and Allies; and more particularly, He doth require the ſaid Count not to make any invaſion, or do any act of War againſt the Countrey or Dominion, which of right appertain and are, in truth, the juſt and lawful poſſeſſion of the King of *Spain*, or the Lady Infanta *Iſabella*; and in caſe any ſuch Hoſtility ſhall be acted contrary to his Majeſties intention, all ſuch Commiſſi- ons which ſhall be granted to that purpoſe by the ſaid Count *Mansfield*, C his Majeſty doth declare to be void; and that all payments ſhall ceaſe: That on the contrary, if obedience be given hereunto, the King wiſheth the Count all good ſucceſs for the recovery of the *Palatinate*, and re-eſtabliſhment of the Peace in *Germany* againſt the Duke of *Bavaria*, and thoſe that are the troublers of the Peace.

And for the performance hereof, the King cauſed Count *Mansfield* to take an Oath, That he would conform according to the Contents of D the ſaid Commiſſion and Declaration of his Majeſty; which Oath was almoſt in *Terminis* of what is before expreſſed.

This Army, conſiſting of Twelve Regiments, was intended to Land in *France*; but being ready for Tranſport, the *French* notwithſtanding their promiſe, and the Treaty of Marriage demurred (yet not plainly denied) their paſſage. Nevertheleſs, the whole Army was ſhipped, and put over to *Calice*, and after a tedious ſtay, in hope yet to land and paſs through the Countrey, they were forced to ſet ſail for *Zealand*. Neither E were they ſuffered to land there, coming ſo unexpectedly upon the *States*, and in a hard Seaſon for Proviſion of Victuals.

Scarce the third part of Count *Mansfields* Army came ſafe to Land.

Thus they were long pent up in the Ships, and ſuffered the want of all Neceſſaries, by which means a *Peſtilence* came among them, and raged extreamly; ſo that they were thrown into the Sea by multitudes; inſomuch, that ſcarce a third part of the Men were landed, the which alſo after mouldred away, and the Deſign came to nothing.

Richard Smith made Biſhop of *Calcedon*, and ſent into *England* with Epiſcopal Juriſdiction.

The Papiſt formerly daunted by the breach of the *Spaniſh* Match, F was now again revived by the Marriage-Treaty with *France*. And at this time upon the Death of *William*, Titular Biſhop of *Calcedon*, moſt of the Engliſh *Secular Prieſts* did petition the Pope, that another Biſhop might be ſent over into *England*, there to *Ordain Prieſts*, give Confirmation and

and exerciſe *Epiſcopal Juriſdiction*. Among others, *Mathew Killiſon* and *Richard Smith* were preſented, 23 *Jacobi.*

And though the *Regulars* were oppoſite to the *Seculars* in this matter, yet thoſe of the Order of *St. Benedict* joyned with the *Seculars*, and *Rudeſin Barlo*, Preſident at the Engliſh *Benedictines* of *Doway*, wrote a Letter in their behalf at the *Congregation* at *Rome*, named of the *Propagation of the Faith*. Dated the Twelfth of *December*, One thouſand ſix hundred twenty and four.

In which Letter was this paſſage, that were there above *Sixty Benedictine Monks in England*; and that it is not to be doubted (ſaid he) [For that it is already ſeen, the good ſucceſs under the firſt *Biſhop*.] That another Biſhop being Conſtituted, there would be more *joyful Fruits* within two years in the *Engliſh Miſſion*, than hitherto hath been for *Sixty years* now elapſed.

But not long after, the *Epiſcopal party* prevailing, Pope *Urban* the Eighth created *Richard Smith* Biſhop of *Calcedon*, and ſent him into *England* with *Epiſcopal Authority* over the Prieſts within the Engliſh Dominions.

King *James* after he had been troubled with a *Tertian Fever* four weeks, finding himſelf near the end of his days, called unto him *Charles* Prince of *Wales*, his only Son, to whom he recommended the Protection of the Church of *England*, adviſed him to love his Wife, but not her Religion; and exhorted him to take ſpecial care of his Grand-children, the Children of the Elector *Palatine* by his Daughter; and to employ the power he left him, to re-eſtabliſh him in the *Eſtate* and *Dignities* of their Father; And laſtly, he recommended to him his Officers who had faithfully ſerved him, and on the Seven and twentieth of *March* gave up the Ghoſt,

And ſhortly after Biſhop *Laud* delivered to the hands of the Duke of *Buckingham*, brief Annotations or Memorables of the Life and Death of King *James*, (viz.)

I. *HE was a King almoſt from his Birth.*

II. *His great Clemency, that he ſhould Reign ſo long, and ſo moderately, that knew nothing elſe but to Reign.*

III. *The difficult times in* Scotland, *during his Minority, as much perplexed with Church and State Factions.*

IV. *His admirable patience in thoſe younger times, and his wiſdom to go by thoſe many and great difficulties, till God opened him the ways to his juſt Inheritance of this Crown.*

V. *His peaceable Entry into this Kingdom, contrary to the fears at home, and the hopes abroad, not without Gods great Bleſſing both on him and us.*

VI. *His ability as Strong in Grace as Nature, to forgive ſome Occurrences.*

VII. *The continuance of full two and twenty years Reign all in Peace, without War from Forreign Enemy, or Rebellion at home.*

VIII. *The infinite advantage which People of all ſorts might have brought to themſelves, and enriching of the State, if they would have uſed ſuch a Government with anſwerable care, and not made the worſe uſe of peace.*

IX. *Gods great mercy over him in many deliverances from private Conſpirators, and above the reſt, that which would have blown up his Poſterity and the State by Gun-powder,*

 X. *That*

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X. *That in all this time of the Reign of* England, *he took away the life of no one Nobleman, but reſtored many.*

XI. *That the ſweetneſs of his Nature was ſcarce to be paralell'd by any other.*

XII. *It is little leſs than a miracle that ſo much ſweetneſs ſhould be found in ſo great a heart, as beſides other things, ſickneſs and death it ſelf ſhewed to be in him.*

XIII. *Clemency, Mercy, Juſtice, and holding the State in Peace, have ever been accounted the great Virtues of Kings, and they were all eminent in him.* A

XIV. *He was not only a preſerver of Peace at home, but the great Peace-maker abroad; to ſettle Chriſtendom againſt the Common Enemy the* Turk, *which might have been a glorious work, if others had been as true to him as he was to the common good.*

XV. *He was in private to his Servants, the beſt Maſter that ever was, and the moſt free.* B

XVI. *He was the juſteſt Man that could ſit between parties, and as patient to hear.*

XVII. *He was bountiful to the higheſt pitch of a King.*

XVIII. *He was the greateſt Patron to the Church which hath been in many ages.*

XIX. *The moſt learned Prince that this Kingdom hath ever known for matters of Religion.*

XX. *His integrity and ſoundneſs of Religion, to write and ſpeak, believe and do, live and die one and the ſame, and all Orthodox.* C

XX. *His tender love to the King his Son, our moſt Gracious Sovereign that now is, and his conſtant Reverence in performance of all duties to his Father, the greateſt Bleſſing and greateſt Example of this, and many Ages.*

XXII. *The education of His Majeſty whom we now enjoy (and I hope and pray we may long, and in happineſs, enjoy) to be an able King as Chriſtendom hath any, the very firſt day of his Reign; the benefit wherof is ours and the honour his.* D

XXIII. *His ſickneſs at the beginning more grievous than it ſeemed, a ſharp melancholy humour ſet on fire, though uſhered in by an ordinary* Tertian Ague.

XXIV. *He was from the beginning of his ſickneſs ſcarce out of an opinion that he ſhould die; and therefore did not ſuffer the great Affairs of Chriſtendom to move him more than was fit, for he thought of his end.*

XXV. *His devout receiving of the Bleſſed Sacrament.* E

XXVI. *His Regal Cenſure of the moderate Reformation of the Church of* England, *and particularly, for the care of retaining of Abſolution, the comfort of diſtreſſed Souls.*

XXVII. *His continual calling for Prayers, with an aſſured confidence in Chriſt.*

XXVIII. *His death as full of patience as could be found in ſo ſtrong a death.*

XXIX. *His Reſt, no queſtion is in* Abrahams *Boſome, and his Crown changed into a Crown of Glory.* F

Another writes thus of that King in the Book, Entituled, *the Reign of King* Charles.

In

23 *Jacobi.*

IN the ſtile of the Court he went for *Great Britains Solomon*; nor is any Excurſion beyond the Precincts of verity to ſay, That neither *Britain* nor any other Kingdom whatſoever, could ever, ſince *Solomons* days, glory in a King (for recondite Learning and abſtruſe knowledge) ſo near a Match to *Solomon*, as he. And though he was an univerſal Scholar, yet did he make other Sciences (their moſt proper imployment) but Drudges and Servitures to Divinity, wherein he became ſo tranſcendently eminent, as he notoriouſly foiled the greateſt Clerks of the *Roman* See. Nor did his Theological abilities more advantage the cauſe of Religion abroad than at home, they keeping the new-fangled Clergy aloof, and at diſtance, as not daring to infuſe into ſo ſolid a Judgment their upſtart and erroneous Fancies, no, nor diſquiet the Churches peace with Heterodox opinions. A ſtout Adverſary he was to the *Arminians* and *Semipelagians*, whom he called as *Proſper* before him, *The Enemies of Gods*
B *Grace*. And as ſlender a Friend to the *Presbytery*, of whoſe Tyrannical and Antimonarchical Principles, he had, from his Cradle, ſmart experience. He was an excellent Speaker, the Scheme of his Oratory being more ſtately than pedantick, and the expreſſions argued him both a King and a Scholar. In his Apparel and Civil Garb, he ſeemed naturally to affect a Majeſtick careleſneſs, which was ſo Hectick, ſo Habitual in him, as even in Religious Exerciſes, where the extern Demeanor is a grand part of that ſacred Homage, he was ſomewhat too incurious and irreve-
C rent. He was indulgent a little to his Palate, and had a ſmack of the Epicure; in Pecuniary Diſpenſations to his Favorites, he was exceſſive liberal; yea though the exigence of his own wants pleaded Retenſion. Studious he was of Peace ſomewhat overmuch for a King, which many imputed to puſillanimity; and for certain the thought of War was very terrible unto him; whereof there needs no further demonſtration, than his management of the Cauſe of the *Palatinate*: For had he had the leaſt ſcintillation of Animoſity or Majeſtick Indignation, would he have
D ſo long endured his Son-in-law exterminated from his Patrimony, while the *Auſtrian* Faction (to his great diſhonour) cajoled and kept him in deluſory Chat with ſpecious fallacies? Would he in thoſe ſeveral Negotiations of *Carliſle*, *Briſtol*, *Belfaſt*, and *Weſton*, have trifled away ſo vaſt ſums, the Moity whereof, had they been diſpoſed in Military Levies, would have Modelled an Army able (when *Heidelburgh*, *Manheim*, and *Frankendale* defended themſelves) to have totally diſſipated all the Forces of the Uſurpers, to have maſtered the Imperious Eagle, enforcing her to fore-
E go her Quarry, and re-eſtated the *Palſgrave*? Would he ſo ſhamefully have Courted the Alliance of *Spain*, to the very great regret of his Subjects, whom his predeceſſors had ſo often baffled, and whom *England* ever found a worſe Friend than an Enemy? What ſtronger evidence, can be given in of a wonderful defect of Courage? As this lipothymie, this faint-heartedneſs, loſt him the reputation and reſpects of his people ſo his heavy preſſures upon them, and undue Levies by Privy Seals and the like alienated their affections, eſpecially conſidering how thoſe
F Moneys were miſ-employed, indeed rather thrown away; partly in the two diſhonourable Treaties of *Spain* & *Germany*, and the Conſequential Entertainments; and partly in largeſſes upon his Minion *Buckingham*. Between this diſaffection and contempt in his People, there was generated a general diſpoſition to turbulent and boiſterous Darlings and Expoſtulations, even againſt his Darling prerogative: And though thoſe

diſmal

An. 1625. diſmal calamities which befel his Son, were doubtleſs ampliated by a ſuperfetation of Cauſes; yet was their firſt and main exiſtency derivative from thoſe ſeminalities. Let Court-Pens extol the calmneſs of his *Halcyonian* Reign with all Artifice of Rhetorick, yet can they never deny but that admired Serenity had its ſet in a Cloud; and that he left to his Succeſſor, both an empty Purſe and a Crown of Thorns.

Sir Francis Bacon, *when King* James *was living, gave this Character of him.*

WHerefore repreſenting Your Majeſty many times unto my mind and beholding you not with the eye of Preſumption to diſcover that which the Scripture tells me, is inſcrutable; but with the obſervant eye of Duty and admiration, leaving aſide the other parts of your Virtue and Fortune, I have been touched, yea, and poſſeſſed with an extream wonder at theſe your Virtues and Faculties which the Philoſophers call *Intellectuals*, [The largeneſs of your capacity, the faithfulneſs of your Memory, the ſwiftneſs of your Apprehenſion, the penetration of your Judgment, and the faculty and order of your Elocution.] And I have then thought, that of all the perſons living that I have known, your Majeſty were the beſt Inſtance to make a man of *Plato*'s opinion, *That all Knowledge is but Remembrance, and that the Mind of Man by nature knoweth all things, and hath but her own Native and original Notions (which by the ſtrangeneſs and darkneſs of the Tabernacles of the Body, are ſequeſtered) again revived and reſtored.* Such a Light of Nature I have obſerved in your Majeſty, and ſuch a readineſs to take flame and blaze from the leaſt occaſion preſented; or the leaſt ſpark of anothers Knowledge delivered. And as the Scripture ſaith of the wiſeſt King, *That his heart was as the Sand of the Sea*, which though it be one of the largeſt Bodies, yet it conſiſteth of the ſmalleſt and fineſt Portions: So hath God given your Majeſty a compoſition of underſtanding admirable, being able to compoſe and comprehend the greateſt Matters, and nevertheleſs to touch and apprehend the leaſt; wherein it ſhould ſeem an impoſſibility in Nature for the ſame Inſtrument to make it ſelf fit for great and ſmall Works. And for your gift of *Speech*, I call to mind what *Cornelius Tacitus* ſaith of *Auguſtus Cæſar*, *Auguſto profluens & quæ Principem deceret Eloquentia fuit*: for if we mark it well, Speech that is uttered with labour and difficulty; or Speech that ſavoreth of the affection of Arts and Precepts; or Speech that is framed after the imitation of ſome pattern of Eloquence, though never ſo excellent; all this hath ſomewhat ſervile and holding of the Subject. But your Majeſties manner of Speech is indeed Princelike, flowing as from a Fountain, and yet ſtreameth and brancheth it ſelf into Natures order, full of Facility and Felicity, *Imitating none, and imitable by any, &c.* And there ſeemeth to be no little contention between the excellency of your Majeſties gift of Nature and univerſality and perfection of your Learning; for I am well aſſured of this, that what I ſhall ſay is no amplification at all, but a poſitive and meaſured truth, which is, *That there hath not ſince Chriſts time, any King or Temporal Monarch, which hath been ſo learned in all Literatnre and Erudition, Divine and Humane*: For let a man ſeriouſly and diligently revolve and peruſe the Succeſſion of the Emperors of *Rome*, of which *Cæſar* the Dictator,

before Chriſt, and *Marcus Antonius*, were the beſt learned; and ſo deſcended to the Emperors of *Grecia*, or of the *Weſt*, and then to the Lines of *France*, *Spain*, *England*, *Scotland*, and the reſt, and he ſhall find this Judgment truly made: For it ſeemeth much in a King, if by the compendious extractions of other mens Wits and Learning, he can take hold of any ſuperficial Ornaments, and ſhews of Learning; or if he countenance or prefer Learning or Learned Men. But to drink indeed of the true Fountain of Learning, nay, to have ſuch a Fountain of Learning in himſelf, in a King, and in a King born, is almoſt a miracle; and the more, becauſe there is met in your Majeſty a rare conjunction as well of Divine and Sacred Literature, as Prophane and Humane. So as your Majeſty ſtands inveſted of that Triplicity which in great veneration was aſcribed to the antient *Hermes*, the Power and Fortune of a King, the Knowledge and Illumination of a Prieſt, and the Learning and Univerſality of a Philoſopher. This propriety, inherent and individual Attribute in your Majeſty, deſerveth to be expreſſed not only in the Fame and admiration of the preſent time, nor in the Hiſtory or Tradition of the ages ſucceeding, but alſo in ſome ſolid Work, fixed Memorial, and Immortal Monument, bearing a Character or Signature, both of the Power of a King, and the Difference and Perfection of ſuch a King.

23 Jacob.

Memoria Juſti cum laudibus, & impiorum nomen putreſcit.

He that hath lately writ the Hiſtory of *Great Brittain*, thus expreſſeth himſelf concerning King *James*.

HE was a King in underſtanding, and was content to have his Subjects ignorant in many things; as in curing the *Kings Evil*, which he knew a device to ingrandize the virtue of Kings when Miracles were in faſhion; but he let the World believe it, though he ſmiled at it in his own Reaſon, finding the ſtrength of imagination a more powerful agent in the Cure, than the Plaiſters his Surgeons preſcribed for the Sore. It was a hard queſtion, whether his Wiſdom and Knowledge exceeded his Choler and Fear; certainly the laſt couple drew him with moſt violence, becauſe they were not acquiſitious, but natural; if he had not had that allay, his high towering and maſtering Reaſon had been of a rare and ſublimed excellency; but theſe earthly dregs kept it down, making his Paſſions extend him as far as Prophaneneſs (that I may not ſay Blaſphemy) and Policy Superintendent of all his Actions, which will not laſt long, (like the violence of that humour) for it often makes thoſe that know well, to do ill, and not to be able to prevent it.

He had pure notions in Conception, but could bring few of them into action, though they tended to his own preſervation; for this was one of his *Apothegms* which he made no timely uſe of, [*Let that Prince that would beware of Conſpiracies, be rather jealous of ſuch whom his extraordinary favors have advanced, than of thoſe whom his diſpleaſure hath diſcontented. Theſe want means to execute their pleaſures, but they have means at pleaſure to execute their deſires.*] Ambition to rule is more vehement then Malice to revenge: Though the laſt part of this Aporiſm he was thought to practice too ſoon, where there were no cauſes for prevention, and neglect too late when time was full ripe to produce the effect.

Some paralell'd him to *Tiberius* for Diſſimulation, yet Peace was maintained

An. 1624. maintained by him, as in the time of *Auguſtus*. And Peace begot Plenty and Plenty begot eaſe and wantonneſs, and eaſe and wantonneſs begot Poetry, and Poetry ſwelled to that bulk in this time, that it begot ſtrange monſtrous Satyrs againſt the Kings own perſon, that haunted both Court and Countrey; which expreſſed, would be too bitter to leave a ſweet perfume behind him. And though bitter ingredients are good to imbalm and preſerve dead Bodies, yet theſe were ſuch as might endanger to kill a living Name, if Malice be not brought in with an Antidote. A And the Tongues at thoſe times more fluent than my Pen, made every little miſcarriage (being not able to diſcover their true operations, like ſmall ſeeds hid in earthy darkneſs) grow up and ſpread into ſuch exuberant Branches, that evil report did often pearch upon them. So dangerous it is for Princes by a remiſs comportment, to give growth to the leaſt Error; for it often proves as fruitful as malice can make it.

The Biſhop of Lincoln *then Lord Keeper of the Great Seal of* Enggland, *in his Sermon at King* James's *Funeral, ſpeaking of* Solomon *and King* James, *(his Text being* 1 Kings, 11. 41, 42, 43,) *hath theſe Expreſſions.* B

I Dare preſume to ſay, you never read in your lives, of two Kings more fully paralell'd amongſt themſelves, and better diſtinguiſhed from all other Kings beſides themſelves. King *Solomon* is ſaid to be *Unigenitus coram Matre ſua*, the only Son of his Mother, *Prov.* 4. 3. So was King *James*. *Solomon* was of a Complexion White and Ruddy, *Cant.* 5. 10. So was King *James*. *Solomon* was an Infant King, *puer parvulus*, a little Child, 1 *Chron.* 22. 5. So was King *James*, a King at the age of Thirteen Months. *Solomon* began his Reign in the life of his Predeceſſor, 1 *Kings* 1. 32. So by the force and compulſion of that State, did our late Sovereign King *James*. *Solomon* was twice crowned and anointed a King, 1 *Chron.* 29. 22. So was King *James*. *Solomons* Minority was rough, through the quarrels of the former Sovereign; ſo was that of King *James*. *Solomon* was Learned above all the Princes of the *Eaſt*, 1 *King* 4. 20. So was King *James* above all the Princes in the Univerſal World. *Solomon* was a Writer in Proſe and Verſe. 1 *King* 4. 32. So in a very pure and exquiſite manner was our ſweet Sovereign King *James*. *Solomon* was the greateſt Patron we ever read of to Church and Churchmen; and yet no greater (*let the Houſe of* Aaron *now confeſs*) then King *James*. *Solomon* was honoured with Ambaſſadors from all the Kings of the Earth, 1 *King* 4. *ult*. And ſo you know was King *James*. *Solomon* was a main improver of his home-Commodities, as you may ſee in his Trading with *Hiram*. 1 *Kings* 5. 9. And God knows it was the daily ſtudy of King *James*. *Solomon* was a great maintainer of Shipping and Navigation, 1 *Kings* 10. 14. A moſt proper Attribute to King *James*. *Solomon* beautified very much his capital City with Buildings and Water-works. 1 *Kings* 9. 15. So did King *James*. Every man lived in Peace under his Vine and his Fig-tree, in the days of *Solomon*, 1 *Kings* 4. 25. And ſo they did in the bleſſed days of King *James*. And yet towards his end, King *Solomon* had ſecret Enemies *Razan*, *Hadad*, and *Jeroboam*, and prepared for a War upon his going to his Grave, as you may ſee in the verſe before my Text. So had, and ſo did King *James*. Laſtly, before any Hoſtile act we read of in the Hiſtory, King *Solomon* died in Peace, when he had lived about Sixty

Sixty years, as *Lyra* and *Toſtatus* are of opinion; and ſo you know did King *James*. 23. *Jacobi.*

And as for his words and eloquence, you know it well enough; it was rare and excellent in the higheſt degree, *Solomon* ſpeaking of his own faculty in this kind; divides it into two ſeveral heads; a ready *Invention*, and an eaſy *Diſcharge* and *Expreſſion* of the ſame. *God hath granted me to ſpeak as I would, and to conceive as is meet, for the things ſpoken of, Wiſd.* 7. 15. And this was eminent in our late Soveraign. His Invention was as quick as his firſt Thoughts, and his words as ready as his Invention. *God had given him to conceive*; the Greek word in that place is εὐσυνοπτον that is, to make an Enthymem or ſhort Syllogiſm; and that was his manner. He would firſt wind up the whole ſubſtance of his diſcourſe, into one ſolid and maſſie Conception; and then ſpread it and dilate it to what compaſs he pleaſed; *Profluenti & quæ Principem deceret eloquentia* (as *Tacitus* ſaid of *Auguſtus*) in a flowing and a Princely kind of Elocution. Thoſe Speeches of his in the Parliament, Star-Chamber, Council-Table, and other publick Audiences of the State, (of which as of *Tullies* Orations, *Ea ſemper optima, quæ maxima*, the longeſt ſtill was held the beſt) do prove him to be the moſt powerful Speaker that ever ſwayed the Scepter of this Kingdom. In his Stile you may obſerve the *Eccleſiaſtes*, in his Figures the *Canticles*, in his Sentences the *Proverbs*, and in his whole Diſcourſe *Reliquum verborum Solomonis*, all the reſt that was admirable in the Eoquence of *Solomon*.

How powerfully did he charge the Prince with the care of Religion and Juſtice, the two Pillars (as he termed them) of his future Throne? How did he recommend unto his love, the Nobility, the Clergy, and the Communalty in the general? How did he thruſt, as it were, into his inward boſom, his Biſhops, his Judges, his near Servants, and that* Diſciple of his whom he ſo loved in particular? and concluded with that Heavenly Advice to his Son, concerning that great act of his future Marriage, *To Marry like himſelf, and Marry where he would:* But if he did Marry the Daughter of that King, he ſhould Marry her Perſon, but he ſhould not Marry her Religion.

* The Duke of *Buckingham.*

Having in our *Collections* met with the Tranſcript of a Letter from King *James* to Pope *Clement*, dated *Anno* 1599. We have thought fit (though it be not placed in order of time) to conclude his Reign with it and with the Inſtructions given to Mr. *Drummond*, who was ſent with the ſame to *Rome*.

An. 1625.

Jacobus Rex, Clementi Papæ.

BEatissime Pater, cum variis ad nos perlatum fuisset rumoribus, quam diligenter nostræ sortis æmuli sæpius egissent, ut authoritatis vestræ acies in nos distringeretur, quaque constantia id pro vestra prudentia hactenus fuerit recusatum: Committere noluimus quin accepti memores beneficii gratias ageremus, opportunam nacti occasionem, cum lator præsentium, natione nostras, vester ascriptitius, in fines ditionis vestræ reverteretur; quam pro sua indole vestris ornatum beneficiis vestræ Sanctitati Commendamus, ut eum in iis quæ nostro nomine habet impartienda, audire placide non dedignetur: Et quia adversus malevolorum calumnias, qui nostras in Catholicos injurias commemorando, nobis invidiam, & ipsis gratiam conciliant, nullum tutius remedium agnoscimus, quam, ut é nostratibus aliqui, veritatis studiosi, quantumvis a Religione quam nos a prima hausimus Infantia, abhorrentes, honestam in Curia *Romana* demorandi occasionem semper haberent, ex quibus vestra Sanctitas certò possit, in quo statu res nostræ sint, ediscere; hoc nomine Episcopum *Vazionensem* vobis commendamus, qui ut sortis suæ qualecunque incrementum vestræ Sanctitati duntaxat refert acceptum, ita Cardinalatus honorem prioribus beneficiis, nostra præsertim gratia, adjici obnixe rogamus. Sic Inimicorum cessabunt Calumniæ, præsentibus qui rerum gestarum veritatem possint adstruere. Nec actionum nostrarum ullam æquos rerum æstimatores cupimus latere, qui in ea Religionis, quam profitemur, puritate enutriti, sic semper statuimus nihil melius tutiusque quam citra fucum in iis pro-

King James's *Letter to Pope* Clement.

MOst Holy Father, having understood by several Reports how diligent the Rivals of our Condition have been, that the Sword of your Authority should be unsheathed against us, and with what constancy your Prudence hath hitherto refused it; we could do no less than return thanks for such a good turn received; especially upon so fair an occasion, when the Bearer of these, a Scotchman by Nation, but a Roman by Adoption, was returning unto your Dominions; we recommend him to your Holiness (to whom for his good parts you have already been beneficial) that you would attentively hear him in those things which he shall deliver in our Name: And because we know there is no better remedie against the Calumnies of ill willers (who, by commemorating our injuries done to Catholicks, procure envy to us, and thank to themselves) than that some of our Countreymen zealous of the Truth, though differing from the Religion which we have sucked from our Infancy, should have an Honourable occasion of making their abode in the Court of Rome, *from whom your Holiness may be certainly informed of the state of our affairs. In this regard we recommend unto you the Bishop of* Vazion, *who as he doth impute whatsoever increase of his condition to your Holiness alone; so we are earnest Suitors, that for our sake especially, the Honor of a Cardinals Cap may be added to his former advantages. By this means the Calummies of our Enemies will cease, when such are present with you, who may be able to assert the truth of our doings. We do not desire any of our actions should be concealed from just Arbitrators; for though we have been bred up in the truth of that Religion which we now profess, yet we have alwayes determine!*

determined that there is nothing better and ſafer, than piouſly and without oſtentation, to endeavor the promoting of thoſe things which really belong to the glory of Gods name; and laying aſide the Goads of Envy, and applying the warmth and fomentation of Charity, diligently to conſider what belongeth not to the empty name of Religion, but to the Holy Symbol of true Piety. But becauſe we have diſcourſed more at large of theſe things with the bearer hereof, a man not unlearned, and indifferently well converſant in our Affairs, we have thought beſt to be no more tedious by a long Letter.

Your Holineſs
moſt dutiful Son

J. R.

From Holy-Rood
24 *Sept.* 1599.

THis Letter was conveyed by Edward Drummond *the Lawyer whom the King ſent to the Pope, the Duke of* Tuſcany, *the Duke of* Savoy, *and other Princes and Cardinals.*

Firſt you ſhall moſt reſpectively Salute in our Name the Pope, and thoſe other Princes and Cardinals; and having delivered our Letters of Credence, ſhall ſignify,

That we exceedingly deſire to reſerve with them the meaſure of Love, and good Will, which is fitting to remove, not only all ſuſpition, but any thing that may be the cauſe of ſuſpition.

That although we perſiſt in the Religion which we ſucked in from our Infancy, yet we are not ſo void of Charity, but to think well of all Chriſtians if ſo be they continue in their duty, firſt towards God, and then towards the Magiſtrate, whoſe Subjects they are.

That we never exerciſed any cruelty againſt the Catholicks for Religions ſake. And

promovendis, quæ Divini Numinis gloriam ſerio ſpectant, pie contendere, & remotis invidiæ ſtimulis: non tam quid Religionis inane nomen, quam vere pietatis Sacroſancta teſſera requirat, charitatis ſemper adhibito fomento, diligenter conſidirare. Sed quia de his copioſius cum latore præſentium, viro non inerudito, & in rebus noſtris mediocriter verſato, diſſeruimus, longioris Epiſtolæ tædio cenſuimus abſtinendum.

Beatitudinis veſtræ obſequentiſſimus Filius.

J. R.

E Sancta Cruce,
24 Sept. 1599.

23 *Jacobi.*

Inſtructions to Mr. *Drummond.*

SUmma mandatorum *Edwardi Drummond* Juriſconſulti, quem ad Pontificem Maximum, Ducem *Etruriæ*, Ducem *Sabaudiæ*, cæteroſque Principes & Cardinales ablegamus.

Salutabis imprimis noſtro nomine quam potes officioſiſſime, Pontificem Maximum, cæteroſque Principes & Cardinales; datiſque noſtris literis fiduciariis ſignificabis,

Capere nos vehementer eum, quem decet, amoris & benevolentiæ modum cum iis conſervare, omnemque removere non ſuſpicionem modo, ſed & ſuſpicionis leviſſimam quamcunque occaſionem.

Quod quamvis in ea perſiſtimus Religione, quam a teneris hauſimus annis, non tamen ita eſſe Charitatis expertes, quin de Chriſtianis omnibus bene ſentiamus; modo in officio primum erga Deum Optimum Maximum, deinde erga Magiſtratus, quorum ſubſunt imperio, permanſerint.

Nullam nos unquam ſævitiam contra quoſcunque Catholicos Religionis ergo exercuiſſe.

An. 1625

Et quia plurimum intereſt noſtra ut pari diligentia qua malevoli mentiuntur, nos, per amicos & ſubditos veritatem poſſimus adſtruere; idcirco inniteris in hoc totis viribus ut Pontifex Maximus tam rogatu noſtro quam precibus Illuſtriſſimorum Principum, quos per literas noſtras ad hoc rogavimus, ad hoc induci poſſit ut Epiſcopus *Vazionenſis* in Cardinalium Collegium adſiſcatur; in quo ſi profeceris, ut de eo redditi fuerimus certiores, ulterius progrediemur. Cavebis ne in hoc negotio ad Pontificem Maximum, aut Illuſtriſſimos Cardinales, ulterius progrediaris, niſi prius ſubſit certa ſpes optati eventus.

And becauſe it doth very much concern us, that we may be able to aſſert the truth by our Friends and Subjects, with the ſame diligence that ſlanderers lye; therefore you ſhall endeavor to the utmoſt to perſwade the Pope, as well at our entreaty, as for the deſire of theſe moſt Illuſtrious Princes, whom in our Letters we have ſollicited in our behalf, to make the Biſhop of Vazion *Cardinal, wherein if you be ſucceſsful; as ſoon as we ſhall be certified thereof, we will proceed further. You muſt be cautelous not to proceed any further in this buſineſs, either with the Pope or the moſt Illuſtrious Cardinals, unleſs there be a certain hope of our wiſhed event.*

A

B

C

D

Hiſtorical.

E

F

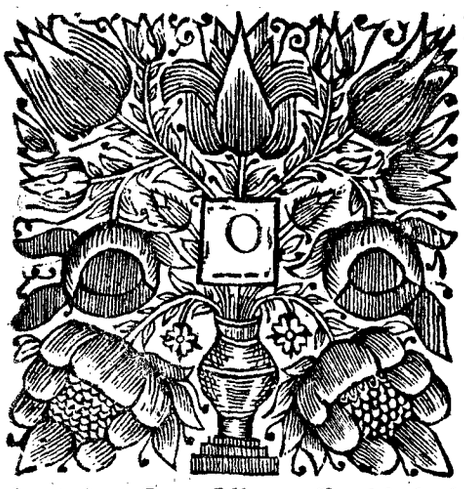
Charles the first by the grace of God
King of England Scotland France
and Ireland defender of ye Faith &c:

1 *Caroli.*

Hiſtorical Collections.

Primo CAROLI.

A



ON the ſame day when King *James* departed this life at *Theobalds*, the Lord Preſident of the Council, and the Lord Marſhal of *England*, were immediately ſent by the Body of the Council to Prince *Charles*, who was then retired to his Chamber, to give him notice of his Father's deceaſe, and that they were all there ready to preſent themſelves unto him, if his pleaſure were to admit them. But he being in ſadneſs, wiſhed them to forbear their coming till the next morning. In the mean time

The Privy-Counſellers preſent themſelves to King *Charles*.

B

C the Privy-Counſellors aſſembled themſelves, drew up the form of a Proclamation to proclaim King *Charles*, which was forthwith publiſhed at the Court-Gate at *Theobalds*: Which being done, the King ſignified his pleaſure, that the Lord Keeper, the Lord Treaſurer, the Lord Preſident, the Lord Chamberlain, the Treaſurer of the Houſe, and the Comptroller, ſhould attend him: They all came, and rendred up their Offices and Places to him, which his Majeſty preſently reſtored to them again. The Privy-Counſellors gave notice to the Lord Mayor of *London*, that he and all the

King *Charles* proclaimed at *Theobalds*.

D Aldermen ſhould that day appear in their Robes at *Ludgate*, whither the Lords and others would repair, to proclaim King *Charles*: Accordingly, the Lords went from *Theobalds* to the Palace of *Whitehal*, where the Nobility then about *London* were gathered together.

At *Whitehal*.

At *Whitehal-Gate* the King was proclaimed by ſound of Trumpet, all the Nobility, Privy-Counſellors, and Gentry being on Horſe-back, went thence, and proclaimed the King at *Charing-croſs*, *Denmark-houſe*, *Temple-bar*, at the great Conduit in *Fleet-ſtreet*, and thence they rode up

In *London*.

E to *Ludgate*, where the Lord Mayor and Aldermen were on Horſe-back, expecting within the Gates, and the Lords and others entred, and proclaimed him there; and then they rode all to *Cheapſide-Croſs*, where they proclaimed the King again: And the Lords returning thence, left order with the Lord Mayor to go on with the Proclamation in other parts of the City.

The ſame day King *Charles* removed from *Theobalds*, and came to S. *James*'s in the evening, and the Corps of the deceaſed King remained

F at *Theobalds*, attended by all the Servants in Ordinary.

The old Privy-Council new ſworn.

The day following, the Privy-Counſellors to the late King, with all the Lords Spiritual and Temporal then about *London*, were in the Council Chamber at *Whitehal* by eight of the clock in the morning, ready to go to gether, and preſent themſelves to his Majeſty: But there came in the mean time a commandment from the King, by the Lord *Conway*

An. 1625. and Sir *Albertus Morton*, principal Secretaries of State to the deceaſed King; that the Lord Keeper of the Great Seal ſhould be ſworn of his Majeſty's Privy-Council, and that he ſhould give the Oath to the Lord Preſident, by whom all the reſt of the late King's Council ſhould be ſworn Counſellors to his preſent Majeſty: The Lord Keeper of the Great Seal, the Lord Preſident, the Lord Archbiſhop of *Canterbury*, the Lord Treaſurer of *England*, the Lord Privy Seal, the Duke of *Buckingham* Lord Admiral of *England*, the Earl of *Pembroke* Lord Chamberlain, the Earl of *Montgomery*, the Earl of *Kellie*, the Earl of *Arundel*, Earl Marſhal of *England*, the Lord Viſcount *Grandiſon*, the Lord *Conway*, the Lord *Brook*, Mr. Treaſurer, Mr. Comptroller, the Maſter of the Wards, Mr. Secretary *Morton*, Mr. Chancellor of the Exchequer, and the Maſter of the Rolls, were this day ſworn accordingly; the Lord Keeper did take an Oath apart, as Lord Keeper of the Great Seal; the Lord Treaſurer, as Lord Treaſurer of *England*; the Lord Preſident, as Lord Preſident of the King's Privy-Council, and the Lord *Conway*, and Sir *Albertus Morton*, as principal Secretaries of State: The Lords which were not of his Majeſty's Privy-Council, repaired by themſelves to St. *James*'s, and preſented themſelves to the King, and kiſſed his hand. A B

The Council's advice to the King.

The Council ſate immediately, and adviſed of the moſt important and preſſing matters to be offered to the King for his preſent ſervice, and reſolved upon theſe particulars.

That a Commiſſion be granted to authorize the Great Seal, Privy-Seal, and Signet, till new ones be prepared; alſo Commiſſions for authorizing of Judges, Juſtices of Peace, Sheriffs, and other ſuch Officers for Government; that there be a general Proclamation for continuation of Proceedings, preſervation of Peace, and adminiſtration of Juſtice; that Letters be prepared for the Ambaſſadors with Foreign Princes, to authorize that ſervice to the King; that ſpecial Meſſengers be ſent unto Foreign Princes; that the like Proclamations to thoſe of *England*, be ſent into *Scotland*; that Commiſſions be renued into *Ireland*, to the Deputy and Officers there; that the Mint for Coining of Money go on, and all things be managed by the Officers as then they ſtood, till the King's pleaſure be further known; that a Parliament be ſummoned when the King ſhall appoint; that the King's pleaſure be known concerning the time of his Father's Funeral, and where the Corps ſhall reſt in the mean time, as alſo the time of his Majeſty's Coronation. C D

This being done, the whole Council attended the King at St. *James*'s, where the Lord Keeper, in the name of all the reſt, preſented their humble thanks, that it had pleaſed his Majeſty to have affiance in thoſe that had been Counſellors to his Father, to receive them all to be of his Privy-Council; the Lord Preſident repreſented to the King the matters before mentioned, which the King allowed, and gave order, that thoſe of them which required ſpeed, ſhould be put in execution, and moſt of the powers be ſigned preſently: And firſt, becauſe by the death of the late King, the Authorities and Powers of the greateſt number of Offices and Places of Government did ceaſe and fail, by the failing of the Sovereign Perſon, from whom the ſame were derived, a Proclamation iſſued forth, ſignifying his Majeſty's pleaſure, That all perſons whatſoever, who at the deceaſe of the late King were inveſted in any Office or place of Government, Civil or Martial, within E F

Proclamation concerning Perſons in Office, &c.

1 Caroli.

within the Realms of *England* and *Ireland*, and namely, Preſidents, Lieutenents, Vice-preſidents, Judges, Juſtices, Sheriffs, Deputy-Lieutenents, Commiſſaries of Muſters, Juſtices of Peace, ſhall continue in their ſeveral Offices, till his Majeſties pleaſure were further known. In another Proclamation of the ſame date, the King took notice of his Father's death, and that he being his only Son, and undoubted Heir, is inveſted and eſtabliſhed in the Crown Imperial of this Realm, and all other his Majeſtie's Realms, Dominions and Countries, with all the Royalties, Preeminences, Stiles, Names, Titles, and Dignities to the ſame belonging; and he declared, That as he, for his part, ſhall by God's grace, ſhew himſelf a moſt benign and gracious Sovereign Lord to all his good Subjects, in all their lawful Suits and Cauſes; ſo he miſtruſteth not, but that they, on their parts, will ſhew themſelves unto him their Natural Liege Lord, moſt loving, faithful, and Obedient Subjects.

Proclamation of Government.

A

B The Council reſolved to move the King, that his Father's Funeral might be ſolemnized within five weeks, and within a few days after the Ceremonial Nuptials in *France*; and before the Parliament began in *England*. Theſe Reſolves the Lord Preſident repreſented unto the King, who accepted of the advices, and ſaid, he would follow them. Moreover he ſummoned a Parliament to begin the ſeventeenth of *May*; but, by the advice of his Privy Council, Prorogued it to the one and thirtieth of *May*, afterwards to the thirteenth

Reſolution taken by the King concerning King *James*'s Funeral, and his own Marriage

A Parliament ſummoned.

C of *June*, and then to the eighteenth of the ſame moneth: Which Prorogations were occaſioned by the King's going to *Dover* to receive the Queen.

April 23. the Body and Herſe of King *James* was brought from *Theobalds* to *London*, being conducted by the Officers of the Guard of the Body, all in mourning, every one having a Torch, and attended by all the Lords of the Court, and great numbers of other perſons of quality, and was placed in *Denmark-houſe*, in the Hall of the deceaſed

King *James*'s Funeral.

D Queen *Anne*.

The ſeventh of *May* was the day of Burial, the Body and Herſe were taken from the ſaid Hall of State, and brought in great Pomp and Solemnity to *Weſtminſter*, where the Kings of *England* uſed to be interred: The new King, to ſhew his piety towards his deceaſed Father, was content to diſpenſe with Majeſty; he followed in the Rear, having at his right hand the Earl of *Arundel*, at his left, the Earl of *Pembroke*, both Knights of the Garter; his Train was born up by Twelve Peers of the

E Realm. So King *James*, who lived in Peace, and aſſumed the Title of *Peace-maker*, was peaceably laid in his Grave, in the Abby of *Weſtminſter*.

Duke of *Buckingham* continues Favourite to King *Charles*.

King *Charles*, in his Father's life time, was linked to the Duke of *Buckingham*, and now continued to receive him into an admired intimacy and dearneſs, making him partaker of all his Counſels and Cares, and chief Conductor of his Affairs; an Example rare in this Nation, to be the Favourite of two ſucceeding Princes.

Religion conſidered.

F The publick ſtate of Religion, and the ſteering of Church-matters, had an early inſpection and conſultation in the Cabinet Council. Biſhop *Laud*, who, in King *James*'s life-time had delivered to the Duke a little Book about Doctrinal *Puritaniſm*, now alſo delivered to the Duke a Schedule, wherein the names of Eccleſiaſtical perſons were written under the letters *O* and *P*, *O* ſtanding for Orthodox, and *P* for Puritans; for the

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Duke commanded, that he ſhould thus digeſt the names of eminent perſons to be preſeted unto the King under that partition.

A general Muſter.

King *Charles*, in the entrance of his Reign, proceeds with Preparations for a War, begun in his Father's time; the Militia of the Kingdom, through the long continued Peace, was much decayed, and the Muſters of the Trained-Bands were ſlight, and ſeldom taken, and few of the Commons were expert in the uſe of Arms; wherefore the Lord Lieutenants were commanded, by Order of the Council, to make a general Muſter of the Trained Horſe and Foot in the ſeveral Counties, and to ſee to the ſufficiency of the Men, Horſe, and Arms, and that all be compleat according to the beſt modern form, and be in readineſs for all occaſions, and eſpecially now the affairs of *Chriſtendom* ſtand upon ſuch uncertain terms; and more particularly, that the Maritime Towns be well manned, and their Men duly exerciſed: and the King declared his will and pleaſure, that the Lords Lieutenants of the ſeveral Shires, ſhould have the nomination of their Deputy Lieutenants. A B

Souldiers levied for the *Palatinate*.

In the beginning of *May*, Warrants were iſſued forth for a Levy of Soldiers, to be employed in the Service of his Majeſty's Brother and Siſter, the Prince and the Princeſs *Palatine*, whereof eight thouſand were appointed to randezvous at *Plimouth*, by the five and twentieth of this month; and the charge of Coat and Conduct was ordered to be diſburſed by the Countrey, and the Countrey to be repayed out of the King's Exchequer, after the Preſident of former times. In like manner, two thouſand men were appointed to rendezvous at the Port of *Hull*, to be tranſported into the *Netherlands*, for the ſervice of the *United-Provinces*, and two thouſand were to be returned thence into *England* for his Majeſty's preſent ſervice. The mingling of a good proportion of old Soldiers and Officers, with the new raiſed Companies, was the ground of this exchange. C

Proclamation againſt diſorders committed by Souldiers.

The remembrance of the late violence committed by Count *Manſfield*'s Army in their paſſage to *Dover*, occaſioned a Proclamation to repreſs and prevent the like attempts of Souldiers, as they now paſſed through the Counties to the places of the Rendezvous, threatning the Offenders with the ſtricteſt proceedings againſt them, for an example of terror; and ſtraitly commanding the Officers, who have the charge of the Conduct, for the removing of all occaſions and pretences of diſorders, to ſee their Companies duly paid, and provided of all neceſſaries, and to be always preſent with them, and carefully to conduct them from place to place. In like manner to prevent their outrages, when they ſhould come to *Plimouth*, or the parts adjoyning, a Commiſſion was ſent, impowering perſons of truſt, upon any robbery, felony, mutiny, or other miſdemeanors (puniſhable with death by Martial Law) committed by the Soldiers, or other diſſolute perſons joyned with them, to proceed to the trial and condemnation of all ſuch Delinquents, in ſuch ſummary courſe and order, as is uſed in Armies in time of War, according to the Law Martial; and to cauſe Execution to be done in open view, that others may take warning and be kept in due obedience. D E F

Articles of the Marriage with *France*, ſigned by the King.

The conſummation of King *Charles* his Marriage with *Henrietta Maria*, Daughter of *France*, was near at hand. The Treaty had procceded far in his Father's life time, but was not, in all points, concluded; the Articles were ſigned the year before by King *James*, on the eleventh of *May*, and by the *French* King on the fourteenth of *Auguſt*. On the thirteenth

thirteenth of *March* this preſent year, (the Earls of *Carliſle* and *Holland* being then Ambaſſadors and Commiſſioners in *France* for this Marriage) ſigned the Articles. 1 *Caroli.*

Beſides the general, there were other private Articles agreed upon in favour of the Papiſts in this Kingdom. "That the Catholicks, as well "Eccleſiaſticks as Temporal, impriſoned ſince the laſt Proclamation, "which followed the breach with *Spain*, ſhould all be ſet at liberty. Private Articles in favour of the Catholicks.

A "That the Engliſh Catholicks ſhould be no more ſearched after, nor "moleſted for their Religion.

"That the Goods of the Catholicks, as well Eccleſiaſtical as Tem- "poral, that were ſeized on ſince the forementioned Proclamation, "ſhould be reſtored to them.

And on the Tenth of *May*, as the firſt-fruits of this promiſed Indulgence and favour, the King granted unto Twenty Roman Prieſts a ſpecial Pardon of all offences committed againſt the Laws then in force

B againſt Papiſts.

The Diſpenſation being come from *Rome* about the beginning of *May*, the Epouſals were made in *Paris* by Cardinal *Richelieu*: The Ambaſſadors having firſt preſented to the King the Contract of Marriage, which was read openly by the Chancellor, and his Majeſty of *France* agreed thereunto; the Duke of *Chevereux* likewiſe ſhewed his Procuration of power which the King of *England* had given him concerning the ſaid Marriage. The Marriage ſolemnized in *France.*

C The Archbiſhop of *Paris* pretended, that it belonged to him to perform this Solemnity; but the Cardinal carries it, as well for the eminency of his Dignity, as for that he was chief Almoner and prime Curate of the Court.

Sunday following, the day appointed for theſe Nuptials, the Bride went from the *Louvre* about nine in the morning, to be dreſſed in the Archbiſhop's Houſe; and afterwards the King, Queen, and Princeſſes, and all the Court in rich attire, parted likewiſe from the *Louvre*, and

D came to the ſaid Houſe of the Archbiſhop, and thence conducted the Bride to a Theatre erected on purpoſe before the Frontiſpiece of *Noſtre-Dame*: the Duke of *Chevereux* had black habit, lined with Cloth of Gold, and beſet with Diamonds; the Earls of *Carliſle* and *Holland*, Ambaſſadors, were both clad in beaten Silver, and went on each ſide of the Duke of *Chevereux*: A Canopy being plac'd upon the Scaffold, the King of *France* and Monſieur his Brother conſigned the Queen of *Great Britain*, their Siſter, into the hands of the Duke of *Chevereux*, and the

E Marriage was ſolemnized according to the ordinary Ceremonies of that Church.

Which being performed, they went in the ſame order and ſolemnity to *Noſtre-Dame*, the Duke of *Cheveruex* going before the King. When they came to the door of the Quire, they made great reverence to the King and Queen; and then the Ambaſſador's retired into the Biſhop's houſe, while Maſs was ſaid in the Church.

The Maſs being ended, the Duke of *Cheveruex* and the Ambaſſadors

F came again to the door of the Quire to take their places, and the ſame Order was obſerved in returning as in going; and ſo they came from the Church into the Hall of the Archbiſhop's Houſe where the Feaſt Royal was made in as great magnificence as can be expreſſed. The King ſat under a Canopy at the middle of the Table, and the Queen of *Great Britain* at his left hand, and the Queen-Mother at his right; the Duke of

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of *Chevereux* ſat next the Queen of *England*, and the Earls of *Carliſle* and *Holland* next to the Duke.

To the intent that all ſorts of perſons might partake of the publick joy, Priſoners for Debts were ſet at liberty, and pardon was granted to ſeveral Criminals, as an earneſt to the King's reſpect and love to his Siſter, after this new Alliance.

The Duke ſent into *France* for the Queen.

The Duke of *Buckingham* was ſent into *France* to his Chriſtian Majeſty, to ſend away the Wife to the King of *Great Brittain*, and to be her Convoy. He arrived at *Paris* the 24 of *May*, with the Earl of *Montgomery*. and other Engliſh Lords, and was lodged in the Palace of the Duke of *Chevereux*, who, with his Lady, was to conduct the Queen into *England*, there to render her to the King her Husband. During the ſeven days ſtay which the Duke made at *Paris*, the Feaſtings and rejoycings were renewed and multiplied, Bonfires ſhining, and Canons playing; but none did equalize the Feaſt that was made by the Cardinal of *Richelieu*.

A

The ſecond of *June* was the time appointed for our Queen's departure: The King of *France* ſent to the Towns in her way, to render her Majeſty all due honours, as if it were to himſelf.

B

A Royal Navy ſent to *Boloign* to tranſport the Queen.

The King of *England* having notice, that the Queen was gone from *Amiens*, ſent a Royal Navy to *Boloign* to tranſport her; the Fleet ſaluted the Town with an hundred pieces of Canon. Among other great Ladies, the Dutcheſs of *Buckingham* was ſent to kiſs the Queen's hands, as from the King her Husband, deſiring her to take her own time of coming over, with moſt conveniency to her own perſon.

C

The 22 of *June* (New ſtyle) the Queen embarqued at *Boloign*, and within Twenty four hours arrived at *Dover*: And as the King was preparing to receive her, ſhe ſent to his Majeſty to deſire him not to come till the morrow, becauſe ſhe had been ſomewhat indiſpoſed at Sea. She paſſed that night at *Dover*, and the next day about Ten of the clock, the King was there, with the Flower of the Nobility; and after ſome Complements paſt, cauſed every body to retire, and they were half an hour together in the Cloſet.

D

The Marriage conſummated at *Canterbury*.

Thence his Majeſty conducted the Queen to *Canterbury*, and the ſame Evening the Marriage was there conſummated.

Then the Queen, in teſtimony of her reſpect and love to the King her Husband, made it her firſt ſuit, (as afterwards the King made known) That he would not be angry with her for her faults of Ignorance, before he had firſt inſtructed her to eſchew them; For that ſhe being young, and coming into a ſtrange Countrey, both by her years, and Ignorance of the Cuſtoms of the Nation, might commit many Errors: And ſhe deſired him in ſuch caſes to uſe no Third perſon, but by himſelf to inform her when he found ſhe did ought amiſs. The King granted her requeſt, and thanked her for it, deſiring her to uſe him, even as ſhe had deſired him to uſe her: Which ſhe willingly promiſed.

E

The Trained Bands of *Kent* commanded to attend the Queen.

The Knights and Gentlemen of *Kent*, together with the Trained Bands, were, by Order of the Council, commanded to attend and receive the Queen at the moſt convenient places as ſhe paſſed, in ſuch ſolemn manner and equipage, as beſeemed the Dignity of his Majeſty, and the quality of her Perſon: Likewiſe the Magiſtrates of the Cities and Towns were commanded to attend at her paſſage, in ſuch Formalities as are uſed in principal and extraordinary Solemnities.

F

The King and Queen come to *London*.

On the Sixteenth of *June*, the King and Queen came both to *London*: Great preparations were made and intended for her Majeſty's

reception;

reception; but the Plague then increaſing, thoſe Ceremonies were laid aſide.

A Chappel built at *Somerſet-Houſe* for the Queen and her Family.

A Chappel at *Somerſet-Houſe* was built for the Queen and her Family, with conveniencies thereunto adjoyning for *Capuchin-Friars*, who were therein placed, and had permiſſion to walk abroad in their Religious habits. Thence-forward greater multitudes of *Seminary Prieſts* and *Jeſuits* repaired into *England* out of Forreign parts.

A Agreat plague in *London*.

This Summer, the Peſtilence raged in *London*. At the entrance of the late King there was a great Plague in the City, but this was far greater, and the greateſt that ever was known in the Nation: For which cauſe a great part of *Trinity-Term* was adjourned from the Firſt Return, to the Fourth, by the advice of the Privy-Council, and the Juſtices of the Courts at *Weſtminſter*; and ſome few days in the beginning and ending thereof were holden, for the better expediting and continuing of Cauſes and Suits, and the returning and ſuing out of Proceſſes, and ſuch like

B buſineſs as might be done in the abſence of the Parties by their Attornies.

The Parliament opened.

On the Eighteenth day of *June*, the Parliament began at *Weſtminſter*. The King being placed in his Royal Throne, the Lords ſitting in their Robes, the Commons alſo being preſent, his Majeſty ſpake thus.

C The King's Speech in Parliament.

"I Thank God, that the buſineſs to be treated on at this time is of "ſuch a nature, that it needs no eloquence to ſet it forth; for I am "neither able to do it, neither doth it ſtand with my Nature to "ſpend much time in words. It is no new buſineſs, being already happily "begun by my Father of bleſſed memory, who is with God; therefore it "needeth no Narrative: I hope in God you will go on to maintain it, as "freely as you adviſed my Father to do it. It is true, he may ſeem to ſome "to have been ſlack to begin ſo juſt and ſo glorious a work; but it was

D "his wiſdom that made him loth to begin a work, until he might find a "means to maintain it: But after that he ſaw how much he was abuſed in "the confidence he had with other States, and was confirmed by your "advice to run the courſe we are in, with your engagement to maintain "it, I need not preſs to prove how willingly he took your advice; for, "the Preparations that are made, are better able to declare it, then I to "ſpeak it. The aſſiſtance of thoſe in *Germany*, the Fleet that is ready for "Action, with the reſt of the Preparations, which I have only followed

E "my Father in, do ſufficiently prove, that he entred into this Action.

"My Lords and Gentlemen, I hope that you do remember, that you "were pleaſed to employ me to adviſe my Father, to break off thoſe two "Treaties that were on foot; ſo that I cannot ſay, that I came hither "a free unengaged man. It's true, I came into this buſineſs willingly and "freely, like a Young man, and conſequently raſhly; but it was by your "intereſt, your engagement: ſo that though it were done like a Young "man, yet I cannot repent me of it, and I think none can blame me for it,

F "knowing the love and fidelity you have born to your King, having "my ſelf likewiſe ſome little experience of your affection. I pray you "remember, that this being my firſt Action, and begun by your advice "and entreaty, what a great diſhonour it were to you and me, if this "Action, ſo begun, ſhould fail for that aſſiſtance you are able to give me. "Yet knowing the conſtancy of your love both to me and this buſineſs,

"I needed

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"I needed not to have ſaid this, but only to ſhew what care and ſenſe I "have of your Honors and mine own. I muſt intreat you likewiſe to "conſider of the times we are in, how that I muſt adventure your lives "(which I ſhould be loth to do) ſhould I continue you here long; and "you muſt venture the buſineſs, if you be ſlow in your reſolutions. "Wherefore I hope you will take ſuch grave counſel, as you will expe- "dite what you have in hand to do: Which will do me and your ſelves "an infinite deal of honour; you, in ſhewing your love to me; and A "me, that I may perfect that work which my Father hath ſo happily "begun.

"Laſt of all, becauſe ſome malicious men may, and, as I hear, have "given out, that I am not ſo true a Keeper and Maintainer of the true "Religion that I profeſs; I aſſure you, that I may with S. *Paul* ſay, "that I have been trained up at *Gamaliel*'s feet: And although I ſhall be "never ſo arrogant as to aſſume unto my ſelf the reſt, I ſhall ſo far "ſhew the end of it, that all the world may ſee, that none hath been, B "nor ever ſhall be more deſirous to maintain the Religion I profeſs, then "I ſhall be.

"Now becauſe I am unfit for much ſpeaking, I mean to bring up the "faſhion of my Predeceſſors, to have my Lord Keeper ſpeak for me in "moſt things: Therefore I have commanded him to ſpeak ſomething "unto you at this time, which is more for formality, then any great "matter he hath to ſay unto you. C

The Lord Keeper's Speech in Parliament.

Then the Lord Keeper *Coventry* declared, "That the King's main "reaſon of calling the Parliament, beſides the beholding of his Subjects "faces, was to mind them of the great Engagements for the Recovery "of the *Palatinate*, impoſed on his Majeſty by the late King his Father, "and by themſelves, who brake off the two Treaties with *Spain*. Alſo "to let them underſtand, That the ſucceeding Treaties and Alliances, "the Armies ſent into the *Low-Countreys*, the repairing of the Forts, and "the Fortifying of *Ireland*, do all meet in one Centre, the *Palatinate*; D "and that the Subſidies granted in the laſt Parliament, are herein already "ſpent, whereof the Accompt is ready, together with as much more of "the King's own Revenue. His Lordſhip further commended three Cir- "cumſtances.

"Firſt, the *Time*; all *Europe* being at this day as the Pool of *Be- "theſda*, the firſt ſtirring of the Waters muſt be laid hold on: Where- "fore his Majeſty deſires them to beſtow this Meeting on him, or rather "on their Actions; and the next ſhall be theirs, as ſoon, and as long as E "they pleaſe, for Domeſtick buſineſs.

"Secondly, *Supply*: If Subſidies be thought too long and backward, "his Majeſty deſires to hear, and not to propound the way.

"Thirdly, the *Iſſue* of *Action*; which being the firſt, doth highly "concern his Majeſties Honour and Reputation, for which he relies up- "on their Loves, with the greateſt confidence that ever King had in his "Subjects; witneſs his Royal Poeſie, *Amor Civium Regis Munimentum*: "And he doubts not, but as ſoon as he ſhall be known in *Europe* to be F "their King, ſo ſoon ſhall they be known to be a loving and loyal Nati- "on to him.

Sir *Tho Crew* Speaker.

June 21. The Commons preſented Sir *Thomas Crew*, Knight, and Ser- geant at Law, for their Speaker, (who was alſo Speaker in the laſt Par- liament of King *James*) and his Majeſty approved the Choice.

After

1 *Carōli.*

After the Houſe of Commons had ſetled their General Committees, there were various Debates amongſt them: Some inſiſting upon the Grievances mentioned, but not redreſſed by King *James* in the laſt Parliament; others preſſed for an account of the laſt Subſidies granted for recovery of the *Palatinate*; others for putting of Laws in execution againſt Prieſts and Jeſuits, and ſuch as reſorted to Ambaſſadors Houſes, and the queſtioning of Mr. *Richard Montague*, for his Book entituled *An Appeal to Cæſar*; which (as they ſaid) was contrived and publiſhed to put a jealouſie between the King and his well affected Subjects, and contained many things contrary to the Articles of Religion eſtabliſhed by Parliament; and that the whole frame thereof was an encouragement to Popery.

Debates in the Houſe of Commons.

A

Others again declared, how the King no ſooner came to the Crown, but he deſired to meet his people in Parliament, it being the ſureſt way to preſerve a right underſtanding between him and them; that ſince he began to reign, the Grievances are few or none; and when he was Prince, he was obſerved to be very inſtrumental in procuring things for the Subjects benefit. Wherefore it will be the wiſdom of this Houſe to take a courſe to ſweeten all things between King and People, and to expreſs their duty to the King by giving Supply, and therewith to offer nothing but a Petition for Religion, that Religion and Subſidies may go hand in hand. And whatſoever they did, it was needful to do it quickly conſidering how greatly the Plague increaſed, and the Bell was tolling every minute while they were ſpeaking.

B

C

The Commons moved the Lords to joyn in a Petition to the King for a Publick Faſt, whereunto their Lordſhips readily concurred; and the King conſenting, a Proclamation was iſſued forth for a Faſt throughout the Kingdom.

A Faſt.

Several particular Committees were appointed. One to enquire of the Subſidies given the laſt Parliament, another to conſider of Tonnage and Poundage. The impoſition on Wines was Voted upon the Merchants Petition, to be preſented as a Grievance.

Committees choſen.

D

Sir *Edward Cook* went to the Houſe of Peers with a Meſſage from the Commons, deſiring a Concurrence in a Petition concerning Religion, and againſt Recuſants; which being agreed unto, and preſented to the King, his Majeſty anſwered, That he was glad that the Parliament was ſo forward in Religion, and aſſured them they ſhould find him as forward; that the Petition being long, could not be preſently anſwered.

Meſſage to the King touching Religion and his Anſwer.

Mr. *Richard Montague* was brought to the Bar of the Commons Houſe for his fore-named Book. This cauſe being in the one and twentieth of King *James*, when he had publiſhed a former Book which he named *A new Gag for an old Gooſe*, in anſwer to a Popiſh Book entituled, *A Gag for the New Goſpel*. The buſineſs was then queſtioned in Parliament, and committed to the Archbiſhop of *Canterbury*, and ended in an Admonition to *Montague*.

Mr. *Montague* brought to the Bar.

E

Afterwards the Biſhops of the *Arminian* Party, conſulted the Propagation of the five Articles condemned in the Synod of *Dort*, concluded that Mr. *Montague* being already engaged in the quarrel, ſhould publiſh this latter Book at firſt atteſted by their Joynt Authorities, which afterwards they withdrew by ſubtilty, having procured the Subſcription of Doctor *Francis White*, whom they left to appear alone in the Teſtimony as himſelf oft-times complained publickly. The Archbiſhop diſallowed the Book, and ſought to ſuppreſs it; nevertheleſs it was Printed and

The *Arminian* party aſſert his cauſe.

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Dedicated unto King *Charles*, whereby that party did endeavour to engage him in the beginning of his Reign. The Houſe appointed a Committee to examine the Errors therein, and gave the Archbiſhop thanks for the admonition given to the Author, whoſe Books they voted to be contrary to the Articles eſtabliſhed by the Parliament, to tend to the Kings diſhonour, and diſturbance of Church and State, and took Bond for his appearance.

The King takes *Mountagues* buſineſs into his own hand.

Hereupon the King intimated to the Houſe, that the things determined concerning *Montague* without his Privity did not pleaſe him; for that he was his Servant and Chaplain in Ordinary, and he had taken the buſineſs into his own hands, whereat the Commons ſeemed to be much diſpleaſed.

Two Subſidies preſented to the King.

Howbeit to take away all occaſion of diſguſt from the King at the entrance of his Reign, both Houſes did humbly preſent two Subſidies granted to his Majeſty as the firſt-fruits of their love, whereof they craved acceptance.

The King accept them, and deſires more.

The Lord *Conway*, Secretary of State, ſignified to the Houſe of Lords (the Commons being preſent) the Kings gracious acceptance of the Bill of two Subſidies; yet that the neceſſities of the preſent Affairs were not therein ſatisfied, but required their further Counſels, He reminded them that the late King was provoked beyond his nature to undertake a War for the recovery of his Childrens Ancient Patrimony: The charges of this War appeared by Computation to amount unto ſeven hundred thouſand pound a year to ſupport the *Netherlands*, and to prevent the Emperors deſign of concluding with the Princes of *Germany*, (utterly to exclude the *Palſgrave*) he levied an Army under Count *Mansfield*. The King of *Denmark* and *Sweden*, and the Princes of *Germany* levied another, *France*, *Savoy*, and *Venice* joyned together for a War of Diverſion; and to uphold the *Netherlands*, the charges of *Mansfields* and *Denmarks* Army muſt yet continue.

A ſhort Anſwer to the Petition touching Religion.

After this the Lord Keeper delivered a ſhort Meſſage from the King to both Houſes, that to the Petition of the Lords and Commons touching Religion, his Majeſty was pleaſed at the firſt to anſwer graciouſly; but now he hath ſent them a fuller Anſwer, even aſſurance of his real performance in every particular.

The Parliament adjourned to *Oxford*.

The Houſes were preparing ſeveral Acts, as againſt giving and taking of Bribes for places of Judicature; about preſſing of Soldiers, and Tonnage and Poundage, *&c.* But by reaſon of the great increaſe of the Plague, as appeared that week by the Bill of Mortality, the King being moved by the Houſes to grant a ſhort Receſs, adjourned the Parliament to *Oxford*, to re-aſſemble the firſt of *Auguſt* following.

The Exchequer removed to *Richmond*.

And for the ſame reaſon, the receipt of the Kings Exchequer was removed from *Weſtminſter* to *Richmond* and all Fairs within Fifty miles of *London* were prohibited to prevent a more general contagion.

The *Vantguard* and ſeven other Ships employed againſt *Rochel*.

In the time of this Receſs, the *Vantguard*, a principal Ship of the Royal Navy, with ſeven Merchants Ships of great burden and ſtrength, were lent to the French King, and employed againſt *Rochel*, which was thus brought about: King *James* in his life time, being in Treaty for a Marriage between his Son, and the now Queen, and entring into a War againſt the King of *Spain*, and his Allies in *Italy* and *Valtolin*; had paſſed ſome Promiſe for procuring or lending of Ships to the French King, upon reaſonable Conditions; but in no wiſe intended they ſhould ſerve againſt *Rochel*, or any of our Religion in *France*: For the French Mini-

1 *Caroli.*

Miniſters pretended, that the Ships ſhould be employed onely againſt *Genoua*; but afterwards the Proteſtants in *France* intimating their ſuſpition, that the deſign for *Italy* was a meer pretence to make up an Army to fall upon the *Rochellers* and others of the Religion, King *James* willing to perform his promiſe, and yet to ſecure the Proteſtants, directed, that the greater number of thoſe that ſerved in the Ships ſhould be Engliſh, whereby he might keep the power in his own hands.

A For the performance of this Engagement, the forenamed Ships were at this time commanded to the Coaſts of *France*: nevertheleſs there wanted a ſufficient care to prevent the abuſing and enſlaving of them to the deſigns of the French King. Captain *John Pennington*, the Admiral of this Fleet, was much unſatisfied, and preſented to the Duke of *Buckingham*, Lord High Admiral, his Exceptions to the Contract between his Majeſty and that King, and chiefly, for that the Companies were bound to fight at the French Kings command, againſt any Nation, except their B own; and that the French might put aboard them as many of their own people as they pleaſed. The *Vantguard* arrived at *Deep*, but the reſt lingred behind; for, the Companies underſtanding, that the French deſign was to ſurprize the Ships, and to block up the Harbour of *Rochel*, reſolved to ſink, rather than to go againſt thoſe of their own Religion. Captain *Pennington* received Letters from the Duke, and a Warrant from Secretary *Conway*, in the King's name, to command him to deliver up the Ships to the hands of ſuch Frenchmen, as his Chriſtian Majeſty ſhould appoint; C but withal directing him not to deſert his Charge; by which latter paſſage, he was willing to underſtand, that it was not the Dukes intention, that he ſhould diſpoſſeſs himſelf and his Companies of them; for he ſuppoſed his Grace had no ſuch unjuſt thought, as to continue him there alone.

Theſe Orders were delived unto him by the hands of the French Ambaſſador, together with a Letter from the French King, which willed him to receive his Soldiers, and his Admiral the Duke of *Montmorance*, D and joyn with his Fleet againſt his rebellious Subjects. Whereupon the Ambaſſador urged the ſurrender of the Ship, and nothing would ſatisfie him, but a preſent poſſeſſion, and a diſcharge of the Engliſh Soldiers, ſave a very few, in caſe they were willing to be entertained in the ſervice. *Pennington*, after much diſpute, although he were promiſed an ample reward in Money, to be given him at the ſurrender, and of a Royal Penſion during his life, came to this reſolute Anſwer, That without an expreſs and clear Warrant, he would not ſurrender nor diſcharge a E man of his Company. Whereupon the French Ambaſſador's Secretary came two ſeveral times to the Ship to proteſt againſt the Captain, as a Rebel to his King and Countrey; but at the making of the laſt proteſt, which was accompanied with threatning Speeches, the Soldiers and Marriners grew into ſuch a fury and tumult, that they got up their Anchors, and ſet ſail for *England*, ſaying, They would rather be hanged at home, then ſurrender the Ship, or be Slaves to the French, and fight againſt their own Religion.

F All which Captain *Pennington* did not gainſay nor oppoſe; but when they came to Anchor in the *Downs*, he adviſed the Duke of all that had hapned, and craved further direction, but complained of the bondage of this Engagement; aſſuring him, That the Marriners would rather be hanged, than return again into *France*: So in all the reſt of the Ships, the Captains and Companies utterly refuſed the Service, and proteſted

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againſt it, though they were tempted with Chains of Gold, and other Rewards.

All this while the Body of the Council were ignorant of any other deſign than that of *Genoa*: then ſeveral perſons came over from the Duke of *Rohan*, and the Proteſtants of *France*, to ſollicit the King and Council againſt lending of the Ships, and received fair Anſwers from them both. But the King ſent an expreſs and ſtrict Order to *Pennington*, requiring him without delay, to put his former Command in execution, for the conſigning of the Ship called the *Vantguard*, with all her Furniture, into the hands of the Marquis *D'Effiat*: aſſuring the Officers of the Ships, that he would provide for their indempnity; and further commanding him to require the ſeven Merchants Ships, in his name, to put themſelves into the Service of the French King; and in caſe of backwardneſs or refuſal, to uſe all means to compel them thereunto, even to their ſinking. A

Upon this, *Pennington* went back to *Deep*, and put the *Vantguard* into the abſolute power and command of the French King, to be emp'oyed in his Service at pleaſure, and commanded the reſt of the Fleet to the like ſurrender. At the firſt, the Captains, Maſters, and Owners, refuſed to yield, weighed Anchor, and were making away; but when *Pennington* ſhot, they came in again, but Sir *Ferdinando Gorge* came away with the Ship called the *Neptune*. The Companies unanimouſly declined the Service, and quitted the Ships, all but one man, who was a Gunner; and *Pennington* haſted to *Oxford*, where the Parliament was reaſſembled; but, as was voiced, was there concealed till the Parliament was diſſolved. B C

The Parliament meets at *Oxford*.

On the firſt of *Auguſt* the Parliament reaſſembled at *Oxford*, whether the news of the Ships lent to the French, againſt the beſieged *Rochellers*, did quickly fly, and exaſperated the ſpirits of that great Aſſembly againſt the Duke of *Buckingham*.

Grievances.

The Grievances inſiſted upon, were the mis-ſpending of the Publick Treaſure, the neglect of guarding the Seas, inſomuch that the *Turks* had leiſure to land in the Weſtern Parts, and carry away the Subjects Captive. The Commons appointed a Committee to conſider of ſecret Affairs, and examine the Diſburſements of the Three Subſidies, and the Three Fifteens, given to King *James*, for the recovery of the *Palatinate*; and they prepared to aſſault the Duke. D

Mr. *Montague* ſummoned to appear.

Alſo Mr. *Richard Montague* was ſummoned to appear, according to the condition of his Bond; and a Committee was appointed to proceed in the further examination of that buſineſs. E

His Cauſe recommended by the Biſhops to the Duke.

Mr. *Montague*'s Cauſe was recommended to the Duke by the Biſhops of *Rocheſter*, *Oxford*, and St. *David*'s, as the Cauſe of the Church of *England*. They ſhew, that ſome of the Opinions, which offended many, were no other than the reſolved Doctrine of this Church, and ſome of them are curious Points diſputed in the Schools, and to be left to the liberty of Learned men, to abound in their own ſenſe, it being the great fault of the Council of *Trent*, to require a Subſcription to School-opinions, and the approved Moderation of the Church of *England*, to refuſe the apparent Dangers and Errors of the Church of *Rome*; but not to be over-buſie with Scholaſtical Niceties. Moreover, in the preſent caſe, they alledge, that in the time of *Henry* the Eighth, when the Clergy ſubmitted to the King's Supremacy, the Submiſſion was ſo reſolved, That in caſe of any difference in the Church, the King and the Biſhops were to determine F

determine the matter in a *National Synod*; and if any other Judge in matters of Doctrine be now allowed, we depart from the Ordinance of Chriſt, and the continual practiſe of the Church. Herewithal they intimated, that if the Church be once brought down below her ſelf, even Majeſty it ſelf will ſoon be impeached. They ſay farther, That King *James*, in his rare wiſdom and judgment, approved all the opinions in this Book; and that moſt of the contrary opinions were debated at *Lambeth*, and ready to be publiſhed, but were ſuppreſſed by Queen *Elizabeth*, and ſo continued, till of late they received countenance at the Synod of *Dort*, which was a Synod of another Nation, and to us no way binding, till received by publick Authority. And they affirm boldly, That they cannot conceive what uſe there can be of Civil Government in the Common-wealth, or of External Miniſtery in the Church, if ſuch fatal opinions as ſome are, which are oppoſite to thoſe delivered by Mr. *Montague*, be publickly taught and maintained.

Such was the opinion of theſe forenamed Biſhops; but others of eminent Learning were of a different Judgment.

The *Appeal to Cæſar* diſputed.

At *Oxford*, in a late Divinity-Diſputation held upon this Queſtion, Whether a Regenerate man may totally and finally fall from Grace? The Opponent urging the *Appeal to Cæſar*, the Doctor of the Chair handled the Appellator very roughly, ſaying he was a meer *Grammarian*, a man that ſtudied Phraſes more than matter; That he underſtood neither Articles nor Homilies; or at leaſt perverted both; That he attributed he knew not what vertue to the Sign of the Croſs, *Dignus cruce qui aſſerit*; and concluded with an Admonition to the Juniors, That they ſhould be wary of reading that and the like Books.

On the fourth of *Auguſt*, the Lords and Commons were commanded to attend his Majeſty in *Chriſt-Church-Hall* in *Oxford*, where he ſpake unto them in manner following.

The King's Speech in *Chriſtchurch*.

"MY Lords, and you of the Commons, we all remember, that "from your Deſires and Advice, my Father, now with God, "brake off thoſe two Treaties with *Spain* that were then in "hand: Well you then foreſaw, that as well for regaining my diſpoſſeſſed Brother's Inheritance, as home defence, a War was likely to ſucceed; "and that as your Councils had led my Father into it, ſo your aſſiſtance, "in a Parliamentary-way to purſue it, ſhould not be wanting. That aid "you gave him by advice, was for ſuccour of his Allies, the guarding of "*Ireland*, and the home part, ſupply of Munition, preparing and ſetting "forth of his Navy. A Council you thought of, and appointed for the "War, and Treaſurers for iſſuing of the Moneys: And to begin this "Work of your Advice, you gave Three Subſidies, and as many Fifteens, "which, with ſpeed, were levied, and by direction of that Council of "War (in which, the preparation of this Navy was not the leaſt) diſ-"burſed.

"It pleaſed God, at the entrance of this Preparation, (by your Ad-"vice begun) to call my Father to his Mercy, whereby I entreated as well "to the care of your Deſign, as his Crown. I did not then, as Princes do, "of Cuſtom and Formality re-aſſemble you, but that by your further "Advice & Aid, I might be able to proceed in that, which, by your Coun-"ſels, my Father was engaged in. Your love to me, and forwardneſs "to further thoſe Affairs, you expreſſed by a Grant of Two Subſidies, "yet ungathered; although I muſt aſſure you, by my ſelf and others,

"upon

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"upon credit taken up, and aforehand diſburſed, and as far ſhort, as yet, "to ſet forth that Navy now preparing; as I have lately the eſtimate of "thoſe of care, and who are ſtill employed about it, whoſe particular of "all Expences about this preparation ſhall be given you, when you "pleaſe to take an account of it.

His Majeſty having ended his Speech, commanded the Lord *Conway* and Sir *John Cook* more particularly to declare the preſent ſtate of Affairs; which was done to this effect. A

Lord *Conway* and Secretary *Cook*, by the King's command, declare the preſent ſtate of affairs.

"THat our Sovereign Lord King *James*, of famous memory, at the "ſuit of both Houſes of Parliament, and by the powerful ope- "ration of his Majeſty that now is, gave conſent to break off the "two Treaties with *Spain*, touching the Match and the *Palatinate*, and "to vindicate the many wrongs and ſcorns done unto his Majeſty and "his Royal Children: Beſides, if the King of *Spain* were ſuffered to pro- "ceed in his Conqueſts, under pretence of the Catholick Cauſe, he B "would become the Catholick Monarch, which he ſo much affects, and "aſpires unto. Alſo amidſt theſe neceſſities, our late King conſidered, "that he might run a hazard with his people, who being ſo long inured "to Peace, were unapt to War; that the uniting with other Provinces "in this undertaking, was a matter of exceeding difficulty. This drew "him to new Treaties for regaining his Childrens right, which were ex- "pulſed by the Friends and Agents of *Spain*; and wherein his Majeſty "proceeded as far as the wiſeſt Prince could go, and ſuffered himſelf to C "be won unto that, which otherwiſe was impoſſible for his Royal Nature "to endure. He conſidered alſo the many difficulties abroad, the Duke "of *Bavaria* by Force and Contract had the *Palatinate* in his own poſſeſ- "ſion, moſt of the Electors and Princes of *Germany* were joyned with "him. The Eſtates of the other Princes moſt likely to joyn in a War of "Recovery, were ſeiſed and ſecured, and all by a Conquering Army: "Beſides, the Emperor had called a Diet, in which he would take away "all poſſibility of recovering the honour and inheritance of the *Palati-* D "*nate*; thus it ſtood in *Germany*. And in *France*, the King there choſe to "ſheath his Sword in the bowels of his own Subjects, rather than to de- "clare againſt the Catholick Cauſe. In the *Low-Countreys*, the Sect of the "*Arminians* prevailed much, who inclined to the *Papiſts* rather than to "their own ſafety, notwithſtanding that the Enemy had a great and "powerful Army near them; ſo that his Majeſty was enforced to protect "and countenance them with an Army of Six thouſand from hence, with "a caution of the like Supply from thence, if required. Moreover he E "ſought Alliance with *France*, by a Match for his Royal Majeſty that "now is, thereby to have intereſt in that King, and to make him a Party. "The laſt conſideration was his Majeſty's own honour, who had labour- "ed with the two Kings of *Denmark* and *Sweden*, and the *German* Prin- "ces, from whom he received but cold Anſwers, they refuſing to joyn, "unleſs they firſt ſaw his Majeſty in the Field. But of this he was very "tender, unleſs the League was broken, or he firſt warred upon. The "Forces of an Army were conſidered, and the way of proceeding, F "whether by *Invaſion* or *Diverſion*: The Charges thereof appeared in "Parliament to be Seven hundred thouſand pounds a year; beſides "*Ireland* was to be fortified, the Forts here repaired, and a Navy pre- "pared; he thought it feaſible to enter into a League with the French "King, and the Duke of *Savoy* and *Venice*.

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1 *Caroli.*

"Hereupon an Army was committed to Count *Mansfield*, the charge "whereof came to Seventy thouſand pound a month for his Majeſty's "part; alſo he commanded the preparing of this great Fleet: All which "ſo heartned the Princes of *Germany*, that they ſent Ambaſſadors to the "Kings of *Denmark* and *Sweden*; and thoſe two Kings offered a greater "Army both of Horſe and Foot, to which his Majeſty was to pay a pro- "portion. Count *Mansfield*'s Army (though diſaſtrous) produced theſe A "happy effects; Firſt, It prevented the Dyet intended by the Emperor. "Secondly, The *German* Princes gained new courage to defend them- "ſelves and oppoſe their Enemies. Thirdly, The King of *Denmark* hath "raiſed an Army, with which he is marched in Perſon as far as *Minden*. "Moreover, the Confederates of *France* and *Italy* have proſecuted a War "in *Milan*, and Peace is now made by the *French* King with his own Sub- "jects; ſo that by this means breath is given to our affairs.

"This Parliament is not called in meer Formality upon his Majeſty's B "firſt coming to the Crown, but upon theſe real occaſions, to conſult "with the Lords and Commons; Two Subſidies are already given, and "graciouſly accepted; but the Moneys thereof, and much more, are al- "ready diſburſed. A Fleet is now at Sea, and haſtning to their Rendez- "vous, the Army is ready at *Plimouth*, expecting their Commanders. "His Majeſty's Honour, Religion, and the Kingdoms ſafety, is here en- "gaged; beſides, he is certainly adviſed of Deſigns, to infeſt his Domi- "nions in *Ireland*, and upon our own Coaſts, and of the Enemies increaſe C "of Shipping in all parts. Theſe things have called the Parliament hither, "and the preſent charge of all amounts to above Four hundred thouſand "pounds; the further proſecution whereof, the King being unable to "bear, hath left it to their Conſultations. His Majeſty is verily perſwa- "ded, That there is no King that loves his Subjects, Religion, and the "Laws of the Land, better than himſelf; and likewiſe that there is no "People that better love their King, which he will cheriſh to the utter- "moſt. It was thought that this place had been ſafe for this Aſſembly, yet D "ſince the Sickneſs hath brought ſome fear thereof, his Majeſty willeth "the Lords and Commons to put into the Ballance, with the fear of the "Sickneſs, his and their great and weighty occaſions.

Then the Lord Treaſurer added, "That the late King, when he died, "was indebted to the City of *London* 120000 *l.* beſides Intereſt, and in- "debted for *Denmark* and the *Palatinate* 150000 *l.* and indebted for his "Wardrobe 40000 *l.* That theſe Debts lie upon his Majeſty that now is, "who is indebted unto *London* 70000 *l.* That he hath laid out for his E "Navy 20000 *l.* and 20000 *l.* for Count *Mansfield*. And for Mourning "and Funeral Expences for his Father, 42000 *l.* For expences concerning "the Queen, 40000 *l.* The Navy will require to ſet it forth in that Equi- "page, as is requiſite, for the great Deſign his Majeſty hath in hand, and "to pay them for the time intended for this Expedition, 300000 *l.*

Lord Treaſurer proceeds in that Subject.

After this Conference, the Commons fell into high Debates, alleadg- ing, That the Treaſury was miſ-employed; that evil Counſels guided the F King's Deſigns; that our Neceſſities aroſe through Improvidence; that they had need to Petition the King for a ſtrait hand and better Counſel to manage his affairs: And though a former Parliament did engage the King in a War, yet (if things were managed by contrary Deſigns, and the Treaſure miſ-employed) this Parliament is not bound by another Parliament, to be carried blind-fold in Deſigns not guided by ſound Coun- ſel;

Debates in the Houſe of Commons, touching the preſent ſtate of Affairs.

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ſel; and that it was not uſual to grant Subſidies upon Subſidies in one Parliament, and no grievances redreſſed. There were many reflections upon the Dukes miſcarriages; likewiſe they re-aſſumed the Debate concerning *Montague*, and they reſolved, that Religion ſhould have the firſt place in their Debates; and next unto it the Kingdoms Safety, and then Supplies. Other particulars were likewiſe inſiſted on, That the King be deſired to Anſwer in full Parliament to the Petition concerning Religion, and that his Anſwer be inroled with the force of an Act of Parliament: Alſo that the Houſe conſider of the new prepared Fleet and Army, and whither intended, no Enemy being yet declared; That great Sums of Money were given for places to the value of an Hundred and forty thouſand pounds at leaſt; that the King ſhould contribute to help the *Palatinates* Cauſe with his own Eſtate; that the time of the year was too far ſpent for the Fleet to go forth in Service; that enquiry be made, whether the Duke brake not the Match with *Spain*, out of Spleen and Malice to Conde *Olivars*? whether he made not the Match with *France* upon harder terms; and whether the Ships lent againſt *Rochel* were not maintained with the Subſidies given for the relief of the *Palatinate*; that an Adviſed Counſel for the Government of the preſent Affairs, and to look into the Kings Eſtate, is neceſſary; that his Majeſty be deſired to give his Anſwer concerning the Impoſition on Wines; and Select Committees draw out theſe Heads at large to be preſented to the King; the doing whereof, they ſaid was no Capitulation with his Majeſty, but an ordinary Parliamentary courſe, without which, the Commonwealth could never ſupply the King, nor indeed ſubſiſt. A B C

Complaints againſt Papiſts favored, notwithſtanding the Kings Anſwer to the Petition againſt them.

Soon after the Commons had a Conference with the Lords, deſiring their Concurrence in preſenting to the King, theſe matters following.

That notwithſtanding the Lords and Commons at their laſt Meeting this Seſſion, did Petition his Majeſty for the advancing of Gods true Religion, and the ſuppreſſing of Popery: unto which his Majeſty vouchſafed as well from his own Mouth, as by the Lord Keeper, to return ſuch Anſwer as aſſured them of his Royal performance; yet at this Meeting they find, That on the 12 of *July* laſt, his Majeſty granted a pardon unto *Alexander Baker* a Jeſuit, and unto Ten other Papiſts, which (as the Commons have been informed) was gotten by the Importunity of ſome Foreign Ambaſſador, and paſſed by immediate Warrant, and was recommended by the Principal Secretary of State, without the payment of the ordinary Fees. And further, That divers Copies of Letters and other Papers being found in the houſe of one *Mary Eſtmonds* in *Dorſetſhire*, by two Juſtices of Peace, who thereupon tendred her the Oath of Allegiance, and upon her refuſal committed her to the Conſtable, from whom ſhe made an eſcape, and complained to the King. The principal Secretary did write to thoſe two Juſtices in favour of her. D E

Upon theſe Paſſages the Commons made obſervations; Firſt upon the date of the Pardon, which was the next day after his Majeſties Anſwer by the Lord Keeper to their Petition concerning Religion; Secondly, that the Pardon diſpenced with ſeveral Laws, as of the 21 and 27 of Queen *Ebizabeth*, and of the third of King *James*, provided to keep the Subjects in due obedience; Thirdly, That the Pardon was ſigned by the Principal Secretary of State; and therefore the Commons declared that theſe actings tended to the prejudice of true Religion, his Majeſties diſhonor, the diſcountenancing of the Miniſters of Juſtice, the grief of the good people, the animating of the Popiſh party, who by ſuch examples grew F

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proud and inſolent, and to the diſcouragement of the High Court of Parliament: All which they humbly deſire his Majeſty to take into due conſideration, and to give effectual and ſpeedy redreſs therein. 1 *Caroli* 1.

The Lord *Conway*, Principal Secretary of State, being called to give an account of this buſineſs, anſwered, That he never hated the Popiſh Religion; That the Pardon was granted before the King anſwered their Petition, though it bore not date till afterwards; That the King commanded the doing thereof, and that no Fees ſhould be taken; That he was commanded by the King to write a Letter in favour of the Woman in *Dorſetſhire*, and what he did therein, was to take off all ſcandal from the King, though it lighted upon himſelf.

This Conference no ſooner ended, but both Houſes were ordered to meet at *Chriſt-Church*, to receive an Anſwer to their Petition concerning Religion! To every Clauſe whereof His Majeſty anſwered in a Parliamentary way. The Petition, Remedies, and the King's Anſwer, we give you intermix'd, for the better underſtanding the Anſwer to every reſpective Clauſe diſtinctly.

To the King's moſt Excellent Majeſty,

Moſt Gracious Sovereign,

The Petition concerning Religion, together with his Majeſty's Anſwer.

IT being infallibly true, That nothing can more eſtabliſh the Throne, and aſſure the peace and proſperity of the People, than the unity and ſincerity of Religion; We your moſt humble and loyal Subjects, the Lords Spiritual and Temporal, and Common of this preſent Parliament aſſembled, hold our ſelves bound in conſcience and duty to repreſent the ſame to your Sacred Majeſty, together with the dangerous conſequences of the increaſe of Popery in this Land, and what we conceive to be the principal Cauſes thereof, and what may be the Remedies.

The Dangers appear in theſe Particulars.

I. In their deſperate ends, being both the ſubverſion of the Church and State; and the reſtleſneſs of their ſpirits to attain theſe ends, the Doctrine of their Teachers and Leaders, perſwading them, that therein they do God good ſervice.

II. Their evident and ſtrict dependency upon ſuch Foreign Princes, as no way affect the good of your Majeſty and this State.

III. The opening a way of Popularity to the ambition of any, who ſhall adventure to make himſelf Head of ſo great a Party.

The principal Cauſe of the increaſe of Papiſts.

I. The want of the due execution of the Laws againſt Jeſuits, Seminary Prieſts, and Popiſh Recuſants; occaſioned partly by the connivency of the State, partly by defects in the Laws themſelves, and partly by the manifold abuſe of Officers.

II. The interpoſing of Foreign Princes by their Ambaſſadors and Agents in favour of them.

III. Their great concourſe to the City, and frequent Conferences and Conventicles there.

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V. The Education of their Children in Seminaries and Houſes of their Religion in Foreign parts, which of late have been greatly multiplied and enlarged for the entertaining of the Engliſh.

VI. That in ſome places of your Realm, your People be not ſufficiently inſtructed in the knowledge of true Religion.

VII. The licentious Printing and diſperſing of Popiſh and Seditious Books. A

VIII. The imployment of Men ill-affected in Religion in places of Government, who do, ſhall, or may countenance the Popiſh party.

The remedies againſt this outragious and dangerous diſeaſe, we conceive to be theſe enſuing.

I. That the Youth of this Realm be carefully educated by able and Religious Schoolmaſters, and they to be enjoyned to Catechize and inſtruct their Scholars in their grounds and principles of true Religion. And whereas by many complaints from divers parts of the Kingdom it doth plainly appear, That ſundry Popiſh Scholars, diſſembling their Religion, have craftily crept in, and obtained the places of Teaching in divers Counties, and thereby infected and perverted their Scholars, and ſo fitted them to be tranſported to the Popiſh Seminaries beyond the Seas; that therefore there be great care in choice and admitting Schoolmaſters, and that the Ordinaries make diligent enquiries of their demeanors, and proceed to the removing of ſuch as ſhall be faulty, or juſtly ſuſpected. B C

His Majeſties Anſwer.

"This is well allowed of, and for the better performance of what "is deſired, Letters ſhall be written to the two Archbiſhops, and from "them, Letters to go to all the Ordinaries of their ſeveral Provinces to "ſee this done; the ſeveral Ordinaries to give account of their doings "herein to the Archbiſhops reſpectively, and they to give account to "his Majeſty of their proceedings herein.

II. That the antient Diſcipline of the Univerſities be reſtored, being the famous Nurſeries of Literature and Virtue. E

Anſw. "This is approved by his Majeſty, and the Chancellor of each "Univerſity ſhall be required to cauſe due execution of it.

III. That ſpecial care be taken to enlarge the Word of God throughout all the parts of Your Majeſties Dominions, as being the moſt powerful means for planting of true Religion, and rooting out of the contrary: To which end, among other things, let it pleaſe Your Majeſty to adviſe Your Biſhops, by Fatherly intreaty, and render uſage, to reduce to the peaceable and orderly ſervice of the Church, ſuch able Miniſters as have been formerly ſilenced, that there may be a profitable uſe of their Miniſtry F

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1 *Caroli* 1.

in theſe needful and dangerous times; And that Non-reſidency, Pluralities, **and** Commendams **may be moderated. Where we cannot forbear moſt humbly to thank Your Majeſty for diminiſhing the number of your own Chaplains; not doubting of the like Princely care for the well-beſtowing of the reſt of your Benefices, both to the comfort of the People, and the encouragement of the Univerſities, being full of grave and able Miniſters unfurniſhed of Livings.**

Anſw. "This his Majeſty likes well, ſo as it be applied to ſuch "Miniſters as are peaceable, orderly, and conformable to the Church-"Government. For Pluralities and Non-reſidencies they are now ſo mo-"derated, that the Archbiſhops affirm, there be now no Diſpenſations "for Pluralities granted; nor no Man now is allowed above two Bene-"fices, and thoſe not above thirty miles diſtant: And for avoiding Non-"reſidence, the Canon in that caſe provided ſhall be duly put in execu-"tion. For *Commendams*, they ſhall be ſparingly granted, only in ſuch "caſe where the exility and ſmallneſs of the Biſhoprick requireth. Alſo "his Majeſty will cauſe that the Benefices belonging to him ſhall be well "beſtowed. And for the better propagating of Religion, his Majeſty re-"commendeth to the Houſe of Parliament, that care may be taken, and "proviſion made, that every Pariſh ſhall allow a competent mainte-"nance for an able Miniſter; and that the owners of Parſonages Impro-"priate would allow to the Vicars, Curats and Miniſters in Villages "and places belonging to their Parſonage, ſufficient ſtipend and allow-"ance for Preaching Miniſters.

IV. That there may be ſtrict proviſion againſt tranſporting of Engliſh Children to the Seminaries beyond the Seas, and for the recalling of them who are already there placed, and for the puniſhment of ſuch your Subjects as are maintainers of thoſe Seminaries, or of the Scholars; conſidering, that beſides the ſeducing of your People, great ſums of Money are yearly expended upon them, to the impoveriſhing of this Kingdom.

Anſw. "The Law in this caſe ſhall be put in execution: And further, "there ſhall be Letters written to the Lord Treaſurer, and alſo to the "Lord Admiral, That all the Ports of this Realm, and the Creeks and "Members thereof, be ſtrictly kept, and ſtrait ſearches made to this end: "A Proclamation ſhall be to recall both the Children of Noblemen and "the Children of any other Men, and they to return by a day; *Alſo "maintainers of Seminaries of Scholars there, ſhall be puniſhed accord-"ing to Law.

V. That no Popiſh Recuſant be permitted to come within the Court, unleſs Your Majeſty be pleaſed to call him upon ſpecial occaſion agreeable to the Statute of 3 Jac. And whereas Your Majeſty for the preventing of apparent miſchiefs both to Your Majeſty and the State, hath in Your Princely wiſdom taken Order, that none of Your natural born Subjects not profeſsing the true Religion, and by Law eſtabliſhed, be admitted into the Service of Your Royal Conſort the Queen. We give Your Majeſty moſt humble thanks, and deſire that Your Order herein may be obſerved.

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Answ. "If His Majesty shall find, or be informed of any Concourse "of Recusants to the Court, the Law shall be strictly followed: And "his Majesty is pleased, that by Proclamation the *British* and *Irish* Sub- "jects shall be put in the same case. And as his Majesty hath provided "in his Treaty with *France*, so his purpose is to keep it; That none of his "Subjects shall be admitted into his Service, or into the Service of his "Royal Consort the Queen, that are Popish Recusants.

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VI. That all the Laws now standing in force against Jesuits, Seminary Priests, and others having taken Orders by Authority derived from the See of Rome, be put in due execution. And to the intent that they may not pretend to be surprized, That a speedy and certain Day be prefixed by your Majesties Proclamation for their departure out of this Realm, and all other your Dominions, and not to return upon the severest penalties of the Laws now in force against them; And that all your Majesties Subjects may be thereby admonished not to receive, comfort, entertain, or conceal any of them, upon the penalties which may be lawfully inflicted: And that all such Papists Jesuits, and Recusants, who are and shall be imprisoned for Recusancy, or any other cause, may be so strictly restrained, as that none shall have conference with them, thereby to avoid the Contagion of their corrupt Religion: And that no man that shall be suspected of Popery, be suffered to be a Keeper of any of His Majesties Prisons.

B

Answ. "The Law in this case shall be put in execution, and a Procla- "mation shall be to the effect desired; And such restraint shall be made, "as is desired, And no man that is justly suspected of Popery, shall be "suffered to be a Keeper of any of his Majesties Prisons.

C

VII. That Your Majesty be pleased to take such Order as to Your Princely wisdom shall be expedient, That no natural-born Subject, or strange Bishops, nor any other by authority from the See of Rome, confer any Ecclesiastical Orders, to exercise any Ecclesiastical Function whatsoever, towards, or upon Your natural Subjects within Your Dominions.

D

Answ. "This is fit to be ordered according as is provided, And it shall "be so published by Proclamation.

VIII. That Your Majesties Learned Council may receive Order and Commandment to consider of all former Grants of Recusants Lands, that such of them may be avoided as are made to the Recusants use or interest, out of which the Recusant receiveth any benefit, which are either void, or voidable by the Law.

E

Answ. "The King will give order to his Learned Council to consi- "der of the Grants, and will do according as is desired.

F

IX. That Your Majesty will be likewise pleased strictly to Command all your Judges and Ministers of Justice Ecclesiastical and Temporal, to see the Laws of this Realm against Popish Recusants, to be duly executed; and namely, that the Censure of Excommunication be

be declared and certified againſt them; and that they be not abſolved upon publick ſatisfaction by yielding to Conformity.

Anſw. "His Majeſty leaves the Laws to their Courſe, and will order "in the point of Excommunication as is deſired.

A X. That Your Majeſty will be pleaſed to remove from places of Authority and Government all ſuch Perſons as are either Popiſh Recuſants, or according to direction of former Acts of State, to be juſtly ſuſpected.

Anſw. "This His Majeſty thinks fit, and will give order for it.

B XI. That preſent Order be taken for diſarming all Popiſh Recuſants, legally convicted, or juſtly ſuſpected, according to the Laws in that behalf, and the Orders taken by His late Majeſties Privy Council upon reaſon of State.

Anſw. "The Laws and Acts in this Caſe ſhall be followed, and put "in due execution.

C XII. That Your Majeſty be alſo pleaſed in reſpect of the great reſort of Recuſants, round about London, to Command forthwith upon pain of your indignation, and ſevere execution of the Laws, that they retire themſelves to their ſeveral Countries, there to remain confined within five miles of their places.

Anſw. "For this the Laws in force ſhall be forthwith executed.

D XIII. And whereas Your Majeſty hath ſtrictly Commanded and taken order, that none of the natural-born Subjects repair to the hearing of Maſſes, or other Superſtitious Service at the Chappels or Houſes of Forreign Ambaſſadors, or in any other places whatſoever; we give your Majeſty moſt humble thanks, and deſire that your Order and Commandment therein may be continued and obſerved, and that the Offenders herein may be puniſhed according to the Laws.

Anſw. "The King gives Aſſent thereto, and will ſee that obſerved
E "which herein hath been commanded by him.

XIV. That all ſuch Inſolencies, as any that are Popiſhly affected have lately committed, or ſhall hereafter commit to the diſhonor of our Religion, or, to the wrong of the true Profeſſors thereof, be exemplarily puniſhed.

Anſw. "This ſhall be done as is deſired.

F XV. That the Statute of 1 Eliz. for the payment of Twelve-pence every Sunday, by ſuch as ſhall be abſent from Divine Service in the Church, without a lawful excuſe, may be put in due execution, the rather, for that the penalty by Law is given to the Poor, and therefore not to be diſpenced withal.

Anſw.

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Anſw. "It is fit that this Statute be executed, and the Penalties ſhall not be diſpenced withal.

XVI. **Laſtly, that Your Majeſty would be pleaſed to extend your Princely care alſo over the Kingdom of** Ireland, **that the like courſes may be there taken for the reſtoring and eſtabliſhing of true Religion.**

Anſw. "His Majeſties cares are, and ſhall be extended over the "Kingdom of *Ireland*; and he will do all that a Religious King ſhould "do for the reſtoring and eſtabliſhing of true Religion there.

And thus (moſt Gracious Sobereign) according to our duty and zeal to God and Religion, to your Majeſty and your ſafety, to the Church and Common-wealth, and their Peace and Proſperity, we have made a faithful Declaration of the preſent Eſtate, the cauſes and remedies of this encreaſing Diſeaſe of Popery; humbly offering the ſame to your Princely care and wiſdom. The Anſwer of your Majeſties Father, our late Sobereign of famous memory, upon the like Petition, did give us great comfort of Reformation; but your Majeſties moſt Gracious promiſes made in that kind, do give us confidence and aſſurance of the continual performance thereof, In which comfort and confidence repoſing our ſelves, we moſt humbly pray for your Majeſties long continuance in all Princely Felicity.

The Petition and Anſwer being read, it was further intimated to the Commons, That as his Majeſty took well their minding him of the care of Religion, ſo he would have done and granted the ſame things, though they had never petitioned him; neither doth he place his anſwer to this petition, as a wheel to draw on other affairs and deſigns, but he leaves them to move in their own Sphere; and what he hath done in this particular comes from theſe two Fountains, Conſcience and Duty, to his Father, who in his laſt Speech recommended unto him the Perſon, but not the Religion of his Queen.

The Duke renders an account to both Houſes of the Fleet.

At the ſame time the Duke ſignified to both Houſes, that by the Kings Command, he was to give an account of the Fleet, and the preparations thereof; and ſaid, that the firſt and laſt time he had the happineſs to ſpeak in that Auditory, it was of the *Spaniſh* Treaty, and then he was ſo happy, as to be honoured and applauded by both Houſes of Parliament; and he made no queſtion, but ſpeaking now with the ſame heart, he ſhould be no leſs acceptable to them.

And he made this requeſt to the Houſe of Commons, to believe that if any had ſpoken, or ſhall ſpeak in diſcharge of his Conſcience, his zeal of Reformation, any thing which may ſeem to reflect upon ſome particular perſons, he ſhould be the laſt man that will apply this to himſelf, becauſe he is confidently aſſured of two things: Firſt, That they are juſt not to fall upon him without cauſe; and Secondly, That himſelf ſhall do nothing that unbecomes a faithful *Engliſhman*.

He ſpeaks by way of Objection and Anſwer.

And for the method of his enſuing diſcourſe, he choſe rather to ſpeak by way of Objection and Anſwer, than in one continued Speech, as a ſpeedier means to give the Commons ſatisfaction.

Object. 1.

1 Caroli 1.

Object. *By what Council thoſe Deſigns and Actions of War were carried and enterpriſed.*

Anſw. By the Counſel of the Parliament appointed according to the Act of both Houſes, the 23 of *March*, 1623. by thoſe Counſels his Majeſty was guided, and applyed himſelf accordingly for the defence of the Realm, the ſecuring of *Ireland*, the aſſiſting of our neighbours and others our Friends and Allies, and for the ſetting forth of the Navy-Royal. His Majeſty looking into his Purſe, ſaw enough to do all the former actions, but not the latter: for when he came to conſider of the Navy, there was neither Money nor Preparations; yet looking upon the affairs of *Chriſtendom*, he found that of moſt neceſſity: Hereupon his Majeſty of famous memory, did him (*viz.* the Duke) the honour, as to write from *Newmarket* to him at *London*, a Letter to this effect; That looking into the affairs of *Chriſtendom*, he found it neceſſary, that a Royal Fleet ſhould be prepared and ſet in readineſs, but that he had no Money; wherefore himſelf (meaning the Duke) and his Friends muſt begin to lay it out, and, no doubt, but others would follow; and by this means, the King might lye the longer concealed and undiſcovered in the Enterpriſe, as bearing the name of the Subject only, and other Princes in hope to draw him on, would ſooner come to the buſineſs.

Upon this Letter, the Duke ſaid, he leaped into the action with all alacrity; and having received all he had from his Majeſty, was moſt deſirous, and held it a happineſs, to pour it out upon his ſervice and occaſions, and had laid out of his own purſe four and forty thouſand pounds; and the Treaſurer of the Navy, at his requeſt, had laid out fifty thouſand pounds; that he entred not into this buſineſs upon his own head, but fortified with the advice and counſel of thoſe worthy perſons, the Lord *Conway*, the Lord *Chicheſter*, Lord *Grandiſon*, Lord *Carew*, Sir *Robert Manſel*, and Sir *John Cook*.

Their laſt conſultation was of the War, next of the means; but both one and the other was juſtified by more than himſelf; he never did any thing but by them; he either repairing unto them, or elſe they did him the honor to reſort to his Chamber: afterward the buſineſs, with the King's leave, was imparted to all the Lords of the Council, and the account was made unto them, and allowed by them, who ſaid there openly, his Majeſty being preſent, That if this were put in execution, it would do well, and gave him ſome Attribute unto it.

And Sir *John Cook* juſtified the ſhewing and the approving of theſe Accounts at the Council-Table; the Accounts conſiſted of long particulars of Soldiers to be levied, Marriners to be preſſed, forwarding of Ships and Proviſions, and that nothing wanted but Money.

He proceeded yet further, and ſhewed, That he was ſo Religious to guide theſe great Affairs by Council, as that at his journey into *France*, which fell out about this time, he deſired his Majeſty to recommend the buſineſs to a Select Council, which his Majeſty did, who, in his abſence took care of the ſame.

Object. 2. *Why did not his Majeſty declare the Enemy preſently, upon granting thoſe three Subſidies?*

Anſw. His Majeſty conſidered the ſtate of *Chriſtendom* at that ſeaſon, and found it full of danger to declare the Enemy for three Reaſons; Firſt, becauſe the great Enemy would be more prepared; Secondly, *Spain* being the Enemy, our Merchants Goods would be Imbargo'd, which are now drawing home; Thirdly, our friends finding us ſo long unprepared

An. 1625. prepared for our Declaration, would never believe any reality in our intentions.

Object. 3. *Whether a conſiderablu Sum of Money be not yet required?*

Anſw. Forty thouſand pounds is yet neceſſary, but our Maſter is exhauſted, his Treaſure anticipated, his Lands pawned, his Plate offered to be pawned, but not accepted, and yet his Majeſty muſt be maintained.

Object. 4. *Why was not this want of Money foreſeen, but now only thought upon unexpectedly, and dangerouſly conſidering the ſickneſs?*

Anſw. It was foreſeen before, but interrupted by unfortunate accidents; the death of the late King, the Funeral, which, for decency, could follow no ſooner; the Journey into *France*, and the Marriage, which procured more delay then was expected, but neceſſary. A

At the opening of this Parliament, his Majeſty did declare this Neceſſity, and told the Houſe plainly, that this Sitting muſt not be for Counſel, but Reſolution; and when he underſtood the grant of two Subſidies, he conceived that Money to be a matter of Cuſtom to welcome him to the Crown. B

Object. 5. *Who gave counſel to his Majeſty ſo ſuddainly, when the Sickneſs was dangerouſly ſpread, to convene this Parliament?*

Anſw. His Majeſty commanded him (the Duke) to ſay, That it was the buſineſs it ſelf that gave this Counſel, and the neceſſity of it, elſe his Majeſty would not have hazarded the two Houſes, nor the reſt of the Kingdom, if he had been able any way, without the Parliaments Supply, to ſet out the Navy.

Object. 6. *Is not the time of the year too far ſpent for the Navy to go forth?* C

Anſw. The King anſwered this formerly, Better halfe the Navy periſh than the going thereof ſhould be ſtayed; it would argue ſuch want of Counſel, Courage, and Experience in the Deſign, ſuch beggerlineſs in being not able to go through with it, that it may not be diverted, the ſeaſon of the year ſuiting with the Deſign, as could be demonſtrated, if the Deſign might not be publiſhed thereby.

Object. 7. *Whether theſe eight Ships lent to the French King, which were imployed againſt the Rochellers, were not paid with the Subſidy-money?* D

Anſw. Thoſe eight Ships were employed at the charge of the French King: Secondly, It is not always fit for Kings to give account of their Counſels; judge the thing by the event.

Object. 8. *Whether the Duke having been our Servant, to break the Match with* Spain, *made not a worſe Match with* France, *and upon harſher terms?*

Anſw. I hope the contrary will appear, by the Anſwer to your Petition. E

Object. 9. *Did not the Duke ſerve us, in breaking the two Treaties with* Spain, *out of Spleen and Malice to* Conde Olivares?

Anſw. There was no cauſe to hate *Olivares*, who was the means to make him happy; for out of his hands came thoſe Papers, by which the Duke gained the love of this Nation, which before thought not ſo well of him; he was not vindicative in his nature; he can forgive thoſe which had no ſuch natural reſpect to their Countrey, as *Olivares* had; neither doth the Duke love that any man ſhould be an inſtrument by ill means to do a good action, as *Olivares* intended to ſerve his Maſter and Kingdom by indirect means; and he could make a proof, that he was not vindicative, he can forgive one of our own Nation that F

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oncurred with *Olivares*, but he was minded to leave that buſineſs aſleep, which, if it ſhould awake, would prove a Lion to devour him, who (as he ſaid) he meant one of our * Nation, who co-operated with *Olivares*.

* The Earl of *Briſtol*.

Obj. 10. *It will be objected, That hitherto the Duke ſpeaketh of immenſe charges, which the Kingdom is not able to bear; as, to aſſiſt the King of* Denmark *with Thirty thouſand pounds* per *moneth, Count* Mansfield *with Twenty thouſand pounds* per *month, the* Low-Countreys *with Eight thouſand pounds* per *month, and Two thouſand ſix hundred pounds* per *month for* Ireland.

A

Anſw. Make the King Chief of the War by a diverſion, and he will give a greater advantage to all his Allies, than by allowing of them Fifty thouſand pounds; nay, a huudred thouſand pounds *per* month. What is it for his Allies to ſcratch with the King of *Spain*, to take a Town to day, and loſe it to morrow? for it is almoſt impoſſible to hope for Conqueſt in this kind, the King of *Spain* being ſo able by Land; but let the King our Sovereign be Maſter of the Wars elſewhere, and make a Diverſion, and let the Enemy be compelled to ſpend his Money and Men in other places, and our Allies in thoſe parts will be ſuddenly and perceivedly ſtrengthened and enabled; and by this kind of War you ſend no Coin out of the Land, you iſſue nothing but Beef, Mutton, and Powder, and the Kingdom is not impoveriſhed, but may make good Returns.

B

C Object. 11. *But where is the Enemy?*

Anſw. Make the Fleet ready to go out, and the King bids you name the Enemy your ſelves; put the Sword into his Majeſty's hands, and he will improve it to your honor, and the good of Religion; as you iſſue nothing that is loſs, ſo you will bring home ſomething that is gain, and henceforward maintain the War by the perquiſites thereof; make but once an entrance, it may afterwards be maintained with profit; when the Enemy is declared, you may have Letters of Mart, none ſhall be denied: I have not been ſo idle, but I ſhall make Propoſitions of advantage, whether your ſelves may go, and ſhall have the honey of the buſineſs.

D

Auguſt 9. 1625.

The Dukes Relation occaſioned variety of opinions in Parliament.

After the Commons returned from the Houſe of Lords, they made Report of this buſineſs unto the Houſe, which occaſioned variety of opinions: Some were for giving the King preſent Supply, who had made ſo gracious an Anſwer to the Petition for Religion and given direction, that the ſame ſhould be inrolled; preſſing further, That this Supply was not for the King's own particular Wants, but for the Honour and Defence of the Kingdom; and that it may prove dangerous not to comply with the King in a modeſt and juſt deſire.

E

Others were of a contrary mind, and ſaid, It was requiſite to preſent to his Majeſty, the means how he may live glorious at home, and how he may be feared abroad, by having his deſigns better managed, and an Enemy declared: Then may ſpurs be added to the Sea-horſe, and the King of *Spain* infeſted at a leſſer charge, and we better ſecured from Papiſts at home, whoſe hearts are knit with the *Spaniards*, and whoſe Eſtates may liberally contribute to the War; and the great Sums given for Honours and Offices, would go far in ſetting forth a Fleet at Sea, and the Subject not be always importuned for Supply. But the further debate of this buſineſs was put off till the next day, being *Wedneſday*, the 10*th* of *Auguſt*.

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The King's Message to the Commons.

The next day, the King sends a Message to the Commons, wherein he takes notice, that the House intended to enter into Consideration of divers Heads concerning the King and the Common-wealth, that he was pleased with their good intentions; but desired them to consider his affairs, which require a speedy dispatch; the season of the year was far spent, yet the time not unseasonable for the Design; that if the Plague should happen in the Navy, the Action would be lost; that if any of the House should be touched with the Sickness, much inconvenience would ensue by an abrupt breaking up, therefore desires a present Answer about Supply; if not, he will take more care of the Commons than they will of themselves, and will make as good a shift for himself as he can, to go through with this present occasion, and offered, that the Parliament should meet again in Winter, at what time they please, upon his Royal Word, and hold together till they have perfected all things, for the good of the Common-wealth, and the King, which are now in conception: and desires them to consider, it was the first Request that ever he made unto them. A B

Debates upon the King's Message.

Hereupon, some earnestly pressed the giving of two Subsidies, and two Fifteens, his Majesty's Honour, and the necessity of his Affairs requiring it, as it appeared out of Considerations already frequently represented.

Others replied, That *Necessity* is a dangerous Counsellor, and is a continual Argument of Supplies in all Parliaments; that those Counsellors who have put the King and Kingdom into such a necessity and hazard, ought to answer for it, whosoever they be; that if the state of things will not admit a Redress of Grievances, surely there is not so much necessity for money; to give Subsidy upon Subsidy in one Parliament is not usual; in the Eighteenth year of *Henry* the Third, there was one punished for pressing of more Subsidies, when Subsidies had been granted before in that Parliament. In the end it was proposed, that a Report be made to the King, that they have regard to his Honour, Necessity and Safety, and the safety of the Kingdom, and that they will assist his Majesty in any honourable Action, grounded upon sound Councils; and that something be drawn up in writing to that purpose: Accordingly the House agreed upon a short Declaration, which was assented unto without a Negative. C D

The Commons Declaration.

WE the Knights, Citizens, and Burgesses of the Commons House of Parliament, being the representative Body of the whole Commons of this Realm, abundantly comforted in his Majesty's late gracious Answer touching Religion, and his Message for the care of our health, do solemnly protest and vow before God and the World, with one heart and voice, that we are all resolved, and do hereby declare, that we will ever continue most loyal and obedient Subjects to our most gracious Sovereign Lord King Charles; and that we will be ready, in convenient time, and in a Parliamentary way, freely and dutifully to do our utmost endeavours, to discover and reform the Abuses and Grievances of the Realm and State, and in like sort to afford all necessary Supply to his most Excellent Majesty, upon his present, and all other his just Occasions and Designs; most humbly beseeching our said Dear and Dread Sovereign, in his Princely wisdom and goodness, to rest assured of the true and hearty affections of his poor Commons, and to esteem the same to be (as we conceive it is indeed) the greatest worldly reputation and security that a just King can E F have:

have; and to accompt all ſuch as ſtanderers of the peoples affections, and enemies to the Common-wealth, that ſhall dare to ſay the contrary.

This Declaration was ſent to the King by ſuch of the Privy Council, as were Members of the Houſe.

Notwithſtanding, the King perceiving the Houſe reſolved againſt Supply, without redreſs of Grievances, and in their Debates to reflect upon ſome great Perſons near unto him; the 12*th* of *Auguſt* ſent to the Houſe of Peers a Commiſſion, directed to ſeveral Lords, for the diſſolution of the Parliament: whereupon the Gentleman-Uſher was commanded to ſignifie to the Speaker of the Houſe of Commons, that the Lords had received his Majeſty's Commiſſion, which was read unto both Houſes; whereupon the Commons with their Speaker, went up preſently to the Lords, heard the Commiſſion read, and the Parliament declared to be diſſolved.

The Parliament diſſolv'd.

At this Parliament, begun and holden by Prorogation at *Weſtminſter*, the 18th day of *June*, *Anno Regis Caroli Primo*, 1625. theſe Acts were paſſed.

1. AN Act for the puniſhing of divers abuſes committed on the Lords day, commonly called *Sunday*.
2. An Act to enable the King to make Leaſes of Lands, parcel of the Dutchy of *Cornwal*.
3. An An for the eaſe of obtaining Licenſes of Alienation, and in the pleading of Alienations with Licence, or of Pardons of Alienations without Licence in the Court of Exchequer, or elſe-where.
4. An Act to reſtrain Tipling in Inns and Ale-houſes.
5. An Act for the Subſidy of the Clergy.
6. An Act for the two Subſidies of the Temporalty.
7. An Act, that this Seſſion of Parliament ſhall not determine by his Majeſty's Aſſent to this and ſome other Acts.
8. An Act to confirm an Agreement between the King and the Copy-holders of *Macclesfield* in *Com. Ceſtr.* &c.
9. An Act for the ſettlement of an Agreement of the Tenants of *Chelvenham* and *Aſhby*, alias *Charlton*, between the King and Sir *Giles Grival* Knight.

The King follows his deſign of War.

The Parliament being diſſolved, the King followed his deſign of War, and reſolved that the Fleet ſhould ſpeedily put out to Sea; he alſo entred into a League with the *United Provinces*, againſt the Emperor and the King of *Spain*, for reſtoring the Liberties of *Germany*. The States, by their Ambaſſadors, ſought this Union, and the D. of *Buckingham*, with the Earl of *Holland*, were ſent to the *Hague*, to conclude the ſame, as alſo to comfort the King's diſtreſſed Siſter with hopes of a Reſtitution.

The King's Proclamation to recall home children of Recuſan[illegible]

Soon after, his Majeſty iſſued forth a Proclamation, whereby he commanded the return, within limited time, of all ſuch Children of Noblemen, and other his natural Subjects, who were now breeding up in Shools and Seminaries, and other Houſes of the Popiſh Religion, beyond the *Seas*: That their Parents, Tutors, and Governors take preſent order to recall them home, and to provide that they return by

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the day prefixt, at the utmoſt ſeverity of his Majeſty's Juſtice; and he commanded further, That no Biſhop, Prieſt, or any other perſon, having taken Orders under any Authority derived from the See of *Rome*, do preſume to confer Eccleſiaſtical Orders, or exerciſe Eccleſiaſtical Function or Juriſdiction towards any of his natural Subjects in any of his Dominions; and that all Statutes in force be put in due execution againſt Jeſuites, Seminaries, and others in Popiſh Orders, prefixing a day for their departure out of his Dominions, not to return again upon the ſevereſt penalties of the Law. A

In the time of the late King, very many of the natural Subjects of theſe Dominions had, by publick permiſſion, betaken themſelves to the ſervice of the Emperor, the King of *Spain*, and Arch-dutcheſs of the *Low-Countreys*; and by this means they fought againſt others of their Countrey-men that were employed by the States of the *United Provinces*, and on the behalf of the exiled *Palatine*: But now the King foreſeeing how improper and unnatural it were, that his own natural Subjects ſhould, upon any occaſion or accident, draw their Swords one againſt the other, or any of them againſt their own Sovereign, did, by advice of his Privy Council, ſtraitly command all thoſe his Subjects, who were under the Pay of the Emperor, the King of *Spain*, or Arch-dutcheſs, ſpeedily to return to their Native Countreys, where they ſhould be received and employed, as occaſion ſerved, according to their ſeveral qualities. B

The diſſolution of the Parliament preventing the Act of Subſidies, the King drew Supplies from the People, by borrowing of Perſons able to lend, ſuch competent ſums of money, as might diſcharge the preſent occaſions; accordingly he directed Letters of the following tenor to the Lords Lieutenants of the Counties. C

Right Truſty and Well-beloved, &c.

The King's Letter to the Lieutenants for the Loan of Money upon Privy-Seals.

D

IT hath been ſo uſual a thing for Kings and Princes of this Realm, to make uſe of their Subjects good affections, by borrowing ſome ſuch competent Sums of Money of Perſons able to lend, as might ſupply thoſe preſent occaſions for publick Service, which cannot attend that length of time wherein it can be raiſed by Contribution by the generality of our Subjects: As we have not onely preſent occaſion to make the like Trial, by borrowing from ſome private Gentlemen and others, but alſo of your ſincerity and endeavours in furtherance of the ſervice; that is to ſay, in taking ſome courſe, either out of your own knowledge and experience, or by any other means or inſtruments which you like beſt, to make collection of as many Perſons names within the County wherein you are Lieutenant, as may be of ability to furniſh us with ſeveral Sums at this time; and therefore to return in a Book, both the Names of the Perſons, their Dwellings, and what Sums you think they may ſpare; that we may thereupon direct our Privy-Seals unto them, according to the form of this incloſed. E

And for your further inſtruction in this caſe, on whoſe truſt we do ſo much repoſe, we wiſh you to adviſe herein with your Deputy Lieutenant, as thoſe from whom we have ſpecial cauſe to promiſe our ſelves all good Offices of Duty and Affection: To which we muſt add thus much further, That we do not intend at this time to deal with any Nobleman; neither are you to deal with any of the Clergy; becauſe we have reſerved that direction to the Metropolitans of the ſeveral Provinces, to proceed onely with ſome ſpecial F

perſons

1 Caroli.

persons that are known to be men of wealth and ability, and not meerly subsisting upon those Livings, which, in most places, are far inferiour to that Maintenance we could wish them. By which course and consideration of ours, though you may perceive how much we desire to procure this Loan without inconvenience to any, which is onely intended for the service of the Publick, yet must we assure you, that we had no greater cause at any time than now, to make use of your integrity and industry, in respect of your election of the Lenders, and of your constant demonstration, both of diligence and affection to the service. Having now delivered unto you as much as for the present can be expected from us, we will refer you for any further direction unto our Privy-Council, as hereafter occasion shall require: To whom our pleasure is, you do return your Certificates in manner and form as is aforesaid, at the most within Twenty days after the receipt of these our Letters. Given at, &c.

A

The Comptroller of the King's Houshold, by the Council's Order, issued forth Letters in the King's name, under the Privy-seal, to the several persons returned for the Loan of Money, in form as followeth.

B

Trusty and Well-beloved, &c.

Privy-Seals issued forth to certain persons.

HAving observed in the Presidents and Customs of former times, that all the Kings and Queens of this Realm, upon extraordinary occasions, have used either to resort to those Contributions which arise from the generality of Subjects, or to the private helps of some well-affected in particular by way of Loan: In the former of which courses, as we have no doubt of the love and affection of our People, when they shall again assemble in Parliament; so for the present we are enforced to proceed in the latter course, for supply of some portions of Treasure for divers Publick services, which without manifold inconveniences to us and our Kingdom, cannot be deferred. And therefore this being the first time that we have required any thing in this kind, we doubt not but we shall receive such a testimony of your good affection from you (amongst other of our Subjects) and that with such alacrity and readiness, as may make the same so much the more acceptable, especially seeing we require but that Sum, which few men would deny a Friend, and have a mind resolved to expose all our earthly fortune for preservation of the general. The Sum which we require of you by these Presents is ——

C

Which we do promise in the name of Us, our Heirs, and Successors, to repay to you or your Assigns within Eighteen moneths after the payment thereof unto the Collector. The person whom we have appointed to Collect it, is

D

To whose hands we do require you to send it within Twelve days after you have received this Privy-Seal; which together with the Collector's Acquittance, shall be sufficient Warrant unto the Officers of our Receipt, for the repayment thereof at the time limitted.

Given at, &c.

E

Pursuant to this Privy-Seal, the Moneys required were generally according to this proportion following, *viz.*

For the West-Riding of *Yorkshire.*

F

Sir *Thomas Wentworth* 20 l. Sir *Fr. Fuljam* 20 l. Sir *John Jackson* 20 l. Sir *Edw. Osburne* 30 l. *Godfrey Copley* Esq; 15 l. Sir *Ralph Hansby* 15 l. *Robert Portington* Esq; 10 l. *Stephen Bright* Esq; 10 l. *George Westby* Esq; 10 l. Sir *John Ramsden* 15 l. *John Armitage* Esq; 15 l. *John West* Esq; 10 l. *John Key* Esq; 13 l. 10 s. Sir *Henry Savil* 30 l. Sir *John Savil* 15 l. *Philip Hungate* Esq; 15 l. Wid. *Armitage* 10 l. *Ursula Wentworth* 10 l. &c. The

An. 1625.

The Collectors of this Loan were appointed to pay into the Exchequer the Sums received, and to return the names of such as discovered a disposition to delay or excuse the payment of the Sums imposed.

Amidst the Preparations for War with *Spain*, the Privy Council issued out Warrants for the disarming of Popish Recusants, grounding their Order upon the Petition of the late Parliament.

Warrants for disarming Recusants.

HIs Majesty, and we of his Council, having received information from so many several parts, of the bold and impudent speeches used by many Romish Catholicks of this Realm, declaring how much they are offended with the gratious satisfaction given by his Majesty to the Lords and Commons in Parliament, in the points concerning the conservation of true Religion, as it is this day by Authority preached in the Church of England; and having just cause to doubt, that many violent Papists, through the instigation of Jesuited Priests, may be inclined to take part with such, as we well understand at this time practise with the King's Subjects to raise Stirs and Tumults, which they do not onely foment by perswasions and instigations, but with promise of assistance and seconding them with Arms, their pretext being Religion, but their ends Conquest, pushed thereunto by an unlimited Ambition to a General Monarchy, of which we have too large and clear proof: And although we do not misjudge and condemn all his Majesty's Subjects Romish Catholicks, but believe, that many of them will imploy their Arms and Lives in his service; yet because we are not able to distinguish between the well and worse-affected, we have resolved with one Advice his Majesty's Princely inclination, following the example of his wise Predecessors of happy Memory and Government, to take out of the possession of all Romish Recusants, convicted or justly suspected, according to the Acts of State heretofore expressed, all such martial Ammunitions, Arms, and Weapons, as shall be found in their Houses, or discovered to be in the houses of any other persons, belonging by right to any of the said Romish Recusants; but so, that the said Arms be onely taken to be safely kept, and the Property to be reserved to the Owners, according to the former Presidents in like cases.

Letters directed to Lords Recusants.

This design proceeded, and the Council directed their Letters to these Lords Recusants, *viz.* The Marquis of *Winchester*, and the Lord *St. John* his Son, Lord Viscount *Mountague*, Lord Viscount *Colchester*, Lord *Petre*, the Earl of *Castlehaven*, Lord *Morley*, Lord *Vaux*, Lord *Eures*, Lord *Arundel* of *Warder*, Lord *Tenham*, Lord *Herbert*, Lord *Windsor*; requiring them to render their Arms and Furniture thereunto belonging, together with all their habiliments of War, to be removed into places convenient, and to remain there till the King shall determine otherwise.

Concourse of Papists prevented.

Moreover the Privy Council having received information from the Lords Lieutenants in divers parts of the Kingdom, That there was great and unaccustomed resort to the Houses of Papists, and that other courses, justly to be suspected; were held amongst them, authorised the Lords Lieutenants to examine the truth and reason of such Assemblies and Entertainment, and of the conveyance and entercourse of Letters; as also to

1 *Caroli.*

to enquire and ſearch, if there were any preparation of Men or Arms, or practice of Arms, or endeavours of Alteration among perſons diſcontented with the preſent Government.

In the mean time, the Fleet was ready, and Ten brave Regiments were deſigned for this Expedition. The Duke not going in perſon, Sir *Edward Cecil* was created Lord Viſcount *Wimbleton*, and made Commander in Chief.

Viſcount *Wimbleton* Commander in Chief in the Voyage to *Cadiz*.

A In the choice of the Officers for this ſervice, Sir *Robert Manſel*, an experienced Sea-Commander, was neglected, which diſguſted the Mariners.

The common Cenſure that paſſed both upon the Duke and this Enterpriſe, may be known by the Lord *Cromwel*'s free Language to the Duke, in this Letter.

B *They offer to lay wagers, the Fleet goes not this year; and that of neceſſity ſhortly a Parliament muſt be, which when it comes, ſure it will much diſcontent you. It is wondred at, that ſince the King did give ſuch great gifts to the Dutcheſs of* Chevereux, *and thoſe that then went, how now a ſmall Sum in the Parliament ſhould be called for, at ſuch an unſeaſonable time. And let the Parliament ſit when they will, begin they will where they ended: They ſay, the Lords of the Council knew nothing of Count* Mansfield's *Journey, or this Fleet; which diſcontents even the beſt ſort, if not all. They ſay, it is a very great burden your Grace takes upon you, ſince none knows any thing*

C *but you: It is conceived, that not letting others bear part of the burden you now bear, it may ruine you, (which Heaven forbid.) Much diſcourſe there is of your Lordſhip here and there, as I paſſed home and back; and nothing is more wondred at, than that one grave man is not known to have your ear, except my good and noble Lord* Conway. *All men ſay, if you go not with the Fleet, you will ſuffer in it: becauſe if it proſper, it will be thought no act of yours; and if it ſucceed ill, they ſay it might have been better, had not you guided the King: They ſay, your undertakings in the Kingdom will much prejudice your Grace: And if God bleſs you not with goodneſs as to accept kindly*

D *what in duty and love I here offer, queſtionleſs my duty in letting you know the diſcourſe of the World may much prejudice me. But if I muſt loſe your favour, I had rather loſe it for ſtriving to do you good, in letting you know the talk of the wicked World, than for any thing elſe; ſo much I heartily deſire your proſperity, and to ſee you trample the ignorant multitude under foot. All I have ſaid is the diſcourſe of the World; and when I am able to judge of Actions, I will freely tell your Lordſhip my mind: Which when it ſhall not*

E *always incline to ſerve you, may all Noble thoughts forſake me.*

Lord *Cromwel*'s Letter to the Duke touching the Fleet.

But whilſt the Engliſh Fleet was preparing for this Voyage, great reports were given out, that the *Spaniard* would land Forces upon the Coaſt of *Eſſex*. Wherefore the Earl of *Warwick* was commanded with Three thouſand of the Trained Bands of *Eſſex* to ſecure the Port of *Harwich*, and *Langer-point*; which ſervice he performed with much readineſs: But upon the blocking up of *Dunkirk* with Ships belonging to the

F *Engliſh*, and to the States of the *United Provinces*, his Lordſhip was ordered to diſmiſs his Men.

The Earl of *Warwick* ſecures *Langer-Point* in *Eſſex*.

Preſently after, Advertiſements came to the Council, that both the *Engliſh* and *Dutch* Ships deſigned to block up *Dunkirk*, whilſt our Fleet was gone to *Spain*, were diſperſed by a ſudden Storm; and that Two and Twenty Ships of *Dunkirk*, Men of War, having Four thouſand Land-ſoldiers,

Engliſh and Dutch Fleet before *Dunkirk* diſperſed by a Storm.

An. 1625. Soldiers, were at liberty to rove up and down, and to do miſchief at Sea. Hereupon the Council, by their Letters to the Lords Lieutenants of the Counties upon the Sea-coaſts, required, that the Trained Bands be in readineſs with compleat Armour and other furniture, to march upon all Alarms to what place ſoever the neceſſary defence thereof ſhall require. Alſo upon intelligence, that theſe Two and twenty *Dunkirkers* intended to land their Four thouſand men in *Ireland*, in caſe their deſign failed as to *England*; Letters were expedited to the Lord Deputy of *Ireland* to guard thoſe Sea-coaſts; for that it were alike miſchievous, if they ſhould land in either Kingdom. A

In the beginning of *October*, the Fleet, conſiſting of Eighty Ships, great and ſmall, the *Ann-Royal*, a Ship of Twelve hundred Tun, being Admiral, put forth from *Plimouth* for the Coaſts of *Spain*, with theſe Regiments aboard the Fleet, according as we find it mentioned in an old Liſt; *viz.* B

The Duke of *Buckingham*'s,
The Lord *Wimbleton*'s,
Sir *William St. Leger*'s (Sergeant-Major General) and
Colonel *Burrough*'s Regiments were ſhipped in the Admiral's Squadron, which carried 2093 Sea-men, and 4032 Land-ſoldiers.

The Lord *Valentia*'s Regiment,
The Earl of *Eſſex*'s, and
Colonel *Harwood*'s
—were ſhipped in the Vice-Admiral's Squadron, carrying 1765 Seamen, and 3008 Land-ſoldiers. The Earl of *Eſſex* was Vice-admiral, and commanded this Squadron.

Sir *Charls Rich* his Regiment,
Sir *Edward Conway*'s, and
Colonel Regiments were ſhipped in the Rear-Admiral's Squadron, carrying 1833 Mariners, 2998 Soldiers. C

The Fleet, after four days Sail, was encountred with a furious Storm; which ſo diſſipated the Ships, that of Fourſcore, no leſs than Fifty were miſſing for ſeven days. Afterwards they all came together upon the Coaſts of *Spain*, where they found a Conqueſt ready, the Spaniſh ſhipping in the Bay of *Cadez*, the taking whereof was granted feaſible and eaſie, and would have ſatisfied the Voyage both in point of Honor and Profit: This was either neglected, or attempted prepoſterouſly. Then the Army landed, and Sir *John Burroughs* took a Fort from the *Spaniard*; but the Soldiers finding good ſtore of Spaniſh Wines, abuſed themſelves, and hazarded the ruine of all (had the Enemy known in what condition they were) notwithſtanding all commands to the contrary. So they were preſently ſhipp'd again; and the General putting to Sea, intended to wait about Twenty days for the Plate-Fleet, which was daily expected from the *Weſt-Indies*: But the evil condition of his Men, by reaſon of a general Contagion, enforced him to abandon the hopes of this great Prize. So the Engliſh having effected nothing, returned home with diſhonor in *November* following. D E

The General examin'd before the Council.

It gave no ſmall occaſion of clamour, That a Fleet ſo well provided and manned, ſhould land their Men in an Enemies Countrey, and return without ſome honourable Action. But where the fault lay, hath not been yet adjudged; neither was any yet puniſhed for failing in that duty. The General, for ſome time, was not admitted into the King's preſence, and ſome of the Colonels of his Army accuſed him, and ſome Seamen aggravated the accuſation: The General was examined before the Council, and F

1 *Caroli.*

and laid the fault on others in the Fleet, who let the King of *Spain*'s Ships pass without fighting them according to Order: They on the other hand say, They had no Order from their General to fight. Thus were there sending and proving, which contributed little to salve the dishonor which the Nation sustained by this unprofitable and ill-managed Design.

The Soldiers commanded not to Disband.

A Upon the Fleets return to *Plymouth*, in *December*, and Consideration of the present use of the Soldiers therein imployed, a Proclamation issued forth to command, that no Soldiers of the Fleet should depart from their Colours, or be discharged of their service, till the King shall signify his pleasure, how and when he will use their further service. So the Forces that returned from *Cadis* were kept on foot, and dispersed into several parts of the Kingdom.

Trade prohibited with *Spain*.

B There was also a strict commandment, that no Subject of this Realm of *England* shall have intercourse of Trade with any of the Dominions of the King of *Spain*, or the Arch-Dutchess of *Flanders*, upon pain of Confiscation both of Ships and Goods that shall be found upon Voyage of Trade into any of the said Dominions. Moreover, in regard of the Subjects apparent danger, and the encouragement of the Enemies of this State, by putting Ships to Sea, being weakly manned and ill-furnished, the King ordained that none should set forth any Ship or Pinnace of the burthen of Threescore Tuns or upwards, unless they furnish the same with serviceable Muskets and Bandaliers, sufficient for the arming of

C halfe the number of persons that sail therein, together with a quantity of Ammunition answerable to the length of their intended Voyage.

Train-Bands exercised.

Furthermore, for the instructing and exercising of the Trained-Bands as well Officers as Soldiers, by Men experienced in Military Exercises, The King gave Commandment, that divers Low-Countrey Soldiers should be assigned to the several Counties, and that the Trained-Bands should be ready at the times appointed, for their Directions in their Postures and use of Arms.

Part of *Michaelmas* Term Adjourned.

D The Plague still continuing in *London* and *Westminster*, and the places near adjoyning, the King to prevent a general Infection, had adjourned a part of *Michaelmas* Term from the *Utas* thereof, to the fourth Return, and afterwards to the fifth, and then the residue of the Term from the City of *Westminster*; as also the Receipt of the Revenue from *Richmond* to the Town of *Reading* in *Barkshire*. In which Term a Commission issued forth under the Great Seal, for executing the Laws against Recusants, according to the Petition of the late Parliament, which was read

The Term at *Reading*.

Hopes of a Parliament.

E in all the Courts of Judicature at *Reading*: Which Commission, together with pricking of Sir *Edward Cook* and certain other Gentlemen, Sheriffs, who had appeared the last Parliament against the Duke, and being Sheriffs, could not be chosen Parliament-men, gave occasion of discourse, and hopes of a new Parliament.

At *Hampton-Court* in *December* following, this

F ensuing Order was made.

Sir *Edward Cook* High Sheriff, his exceptions to the Sheriffs Oath.

WHereas four Articles concerning the Oath used to be taken by the High Sheriffs of Counties, were this day presented unto the Board; unto which Articles Sir Edward Cook Knight, at this present High Sheriff of the County of Bucks did upon tender of the Oath unto him, take Exceptions, and sent his Ex-

An. 1625.

ceptions, and the Reasons thereof in writing, to Mr. Attorney-General, who, by direction of the Board, did attend all the Judges of England, to receive their advice thereupon; and the said Judges having advised thereof, did, with one unanimous consent, Resolve, and so report to the Lord Keeper, That they found no cause to alter the said Oath, but only in one of the said Articles hereafter mentioned. It is thereupon this day ordered by their Lordships, according to the unanimous Advice of all the Judges of England, and his Majesties pleasure signified therein; That the first Article propounded, viz. You shall do all your pain and diligence to destroy and make to cease all manner of Heresies and Errors, commonly called Lollaries within your Bayliwick from time to time, to all your power; and assist and be helping to all Ordinaries and Commissioners of the Holy Church, and favour and maintain them as oftentimes as you shall be required, shall be left out in the Oath to be given to Sir Edward Cook, and shall ever hereafter be left out in all Oaths to be given to the High Sheriffs of Counties hereafter. And their Lordships do likewise Order, according to the unanimous advice of all the Judges of England, That the other three Articles doubted of, shall stand in the said Oath to be ministred to the said Sir Edward Cook, and to all other High Sheriffs, as heretofore hath been accustomed; and that the Lord Keeper do give Order to such Officers and Clerks in the Court of Chancery, to whom it appertained to make out the Oath for the time to come according to present Order.

A B C

The Seal taken from Bishop *Williams*, sequestred formerly, and given to Sir *Thomas Coventry*.

The expectation of a Parliament, gave encouragement to the Bishop of *Lincoln* (who yet retained the name of *Lord Keeper*, notwithstanding his Sequestration several Moneths before from the presence of the King the Council-Table, and the custody of the Seal) to make an Address to his Majesty for a favourable interpretation of his Actions: But his carriage towards the Duke at the Parliament at *Oxford* was fresh in memory, where the Bishop told the Duke in *Christchurch*, upon the Dukes rebuking him, for siding against him, That he was engaged with *William* Earl of *Pembroke*, to labour the Redress of the Peoples Grievances, and was resolved to stand upon his own Legs. If that be your resolution (said the Duke) Look you stand fast, and so they parted; and shortly after that he was Sequestred, though the Seal was not disposed from him till the Thirtieth of *October*; at which time it was given to Sir *Thomas Coventry* at *Hampton-Court*, who was that day sworn of the Privy-Council, and sate there and sealed some Writs, and afterwards came to the Term at *Reading*, and sate there as *Lord Keeper* and heard Causes.

D E

A Parliament Summoned.

The King, being pressed with his own Necessities, and the Cry of the Nation against the fruitless Voyage of *Cadis*, summoned a Parliament to meet in *February*; and before the time of meeting his Majesty enjoyned the Archbishops and Bishops in both Provinces, to proceed against Popish Recusants by Excommunication, and other Censures of the Church, and not to omit any lawful means of bringing them to Publick Justice; especially he recommended to their vigilant care, the unmasking, and repressing of those who were not professed Papists, yet disaffected to the true Religion, and kept close their evil and dangerous affection, and by secret means and slights, did encourage and advance the growth of Popery.

Recusants to be Excommunicated,

F

This Command was seconded by a Proclamation, requiring, That all Convicted Papists should, according to the Laws of this Realm, remain

main confined th their dwelling places, or within five miles thereof, unleſs upon ſpecial Licences firſt obtained in caſes neceſſary. 1 *Carol.*

Immediately before the Parliament, Biſhop *Laud* procured the Duke of *Buckingham* to ſound the King concerning the Cauſe, Books, and Tenets of Mr. *Richard Montague*; and underſtanding by what the Duke collected, That the King had determined within himſelf to leave him to a Tryal in Parliament, he ſaid, *I ſeem to ſee a Cloud ariſing and threatning the Church of* England, *God for his Mercy diſſipate it.* The King reſolved to leave Mr. *Montague* to the Parliament.

About the ſame time, the King declared his purpoſe to celebrate the Solemnity of his Coronation on *Candlemas-day* at the Palace of *Weſtminſter*; and required all perſons, who by reaſon of their Offices and Tenures, were bound to perform any Duties at the Solemnity, to give their attendance, and to be furniſhed in all reſpects anſwerable to an action of ſo high State, according to their places and dignities. Wherefore by a Commiſſion under the Great Seal of *England*, Sir *Thomas Coventry* Lord Keeper of the great Seal, *James* Lord *Say* High Treaſurer of *England*, *Edward* Earl of *Worceſter*, Keeper of the Privy Seal, *Thomas* Earl of *Arundel* and *Surry* Earl-Marſhal of *England*, *William* Earl of *Pembroke*, Lord High Chamberlain, *Edward* Earl of *Dorſet*, and Sir *Randol Crew* Chief Juſtice of the Common-Pleas, were authorized to receive and determine the Claims exhibited by any perſon concerning Services to be performed at the approaching Coronation. Preparations for the Kings Coronation.

And the more to credit the Solemnity, the King reſolving to make certain of his Servants and other Subjects, in regard of their Birth, good Service, and other Qualities, Knights of the *Bath*, authorized *Thomas* Earl of *Arundel* and *Surrey*, and Earl-Marſhal of *England*, *William* Earl of *Pembroke*, Lord Chamberlain, to perform in His Majeſties Name and Behalf, all the Rights and Ceremonies belonging thereto.

At the ſame time Writs were directed to all Sheriffs in the Realm of *England*, and Dominions of *Wales*, commanding them to make Proclamation, That all ſuch as had forty pounds a year or more, of Lands or Revenues in their own hands, or the hands of Feoffees, for their uſe for the ſpace of three years, and are not yet Knights, do at their perils prepare to preſent themſelves in His Majeſties preſence by the One and thirtieth of *January*, to receive the Order of Knighthood. Of which more in its proper place. A Proclamation for all that have Forty pound *per annum*, to come and receive the Order of Knighthood.

Upon the aſſwaging of the great peſtilence, through the Mercy and Goodneſs of God in withdrawing and almoſt removing the Scourge, the King, by his Royal Authority, ordained a Publick and General Thankſgiving to be celebrated upon the Nine and twentieth of *January*, being the Lords day, in the Cities of *London* and *Weſtminſter*, and the places adjacent; and on the Nineteenth of *February* in all other places of the Kingdom; the manner and and form whereof, was preſcribed by a Book compoſed by the Biſhops according to his Majeſties Direction. A Thankſgiving for the Plague ceaſing

The Contagion ceaſing, the reſtraint enjoyned to the Citizens of *London* from reſorting to Fairs for a time, was taken off.

The number of thoſe that died this year within and without the Walls of the City of *London*, and in the Liberties, and Nine out Pariſhes, from the Sixteenth of *December*, 24. to the Fifteenth of *December*, 25. was in total, Fifty four thouſand two hundred ſixty and five, whereof the Plague Thirty five thouſand four hundred and ſeventeen. Number of thoſe who died of the Plague.

On *Candlemas-day* King *Charles* was Crowned; Biſhop *Laud* had the

An. 1625. chief hand in compiling the form of the Coronation, and had the honor to perform this Solemnity, inſtead of the late Lord Keeper *Williams*, who (through the Kings diſfavour,) was ſequeſtred from this Service, which belonged to his place as he was Dean of *Weſtminſter*. Mr. *John Coſens* (as Maſter of the Eccleſiaſtical Ceremonies) kneeled behind the Biſhop when the Prayers were read, and directed the Quire when to anſwer. The Ceremony in going to, and all the Coronation was briefly thus.

The Ceremonies at the Kings Coronation.

THe King went that day from *Weſtminſter-Hall* to the *Abby-Church*, attended by the Aldermen of *London*, Eighty Knights of the *Bath*, in their Robes, the Kings Serjeants at Law, Solicitor and Attorney-Generals, the Judges, Barons, Biſhops, Viſcounts, and ſuch of the Earls (who bore no particular Office that day) in their Parliament Robes, going two by two before the King all uncovered; and after them followed his Officers of State (being eight Earls and one Marqueſs) thoſe perſons according to their reſpective Places and Offices carried the Swords, the Globe, the Scepter, the Crown; and the Lord Mayor of *London* carried the ſhort Scepter, two Biſhops carried, the one the Golden Cup, and the other the Plate for the Communion: Next before his Majeſty went the Earl of *Arundel* as Earl-Marſhal of *England*, and the Duke of *Buckingham* as Lord High Conſtable of *England* for that day. The King being clothed in White Sattin, went under a rich Canopy, ſupported by the Barons of the Cinque-Ports, the King having on each hand a Biſhop, and his Train of Purple Velvet was carried up by the Maſter of the Robes, and the Maſter of the Wardrobe. At the entring into the Church, Biſhop *Laud* delivered into the Kings hands, the ſtaff of King *Edward* the Confeſſor, with which the King walked up to the Throne; then the Archbiſhop of *Canterbury* preſented his Majeſty to the Lords and Commons there preſent, Eaſt, Weſt, North, and South, who gave their conſent to his Coronation, as their lawful Sovereign. After Sermon was done the King went to the Altar (where the *Old Crucifix*, amongſt other *Regalia*, ſtood; as alſo the Ointment Conſecrated by a Biſhop) to take the Coronation Oath, which (as is ſaid) was performed in this manner, *viz.*

A B C D E F

Archbiſhop P. P.

SIR, (ſays the Archbiſhop) will you grant and keep, and by your Oath confirm to the People of England, the Laws and Cuſtoms to them granted by the Kings of England, your Lawful and Religious Predeceſſors and namely the Laws, Cuſtoms, and Franchiſes, granted to the Clergy by the Glorious King St. Edward your Predeceſſor, according to the Laws of God, the true profeſsion of the Goſpel eſtabliſhed in this Kingdom, agreeable to the Prerogative for the Kings thereof, and the antient Cuſtoms of the Realm:

The Kings Anſwer.

I Grant and Promiſe to keep them.

Sir, will you keep Peace and Godly agreement (according to your Power) both to God, the Holy Church, the Clergy and the People?

I will keep it.

Sir, will you (to your Power) cauſe Law, Juſtice, and Diſcretion to Mercy and Truth, to be executed to your Judgment?

I will.

Sir, will you grant to hold and keep the Laws and Rightful Cuſtoms which the Commonalty of this your Kingdom have; and will you defend and uphold them to the honor of God, ſo much as in you lyeth?

I Grant and Promiſe ſo to do.

Then

1 *Carol.*

Then one of the Biſhops read this paſſage to the King.

Our Lord and King, we beſeech you to Pardon and to Grant, and to Preſerve unto us, and to the Churches committed to Your Charge, all Canonical Priviledges, and do Law and Juſtice; and that You would Protect and Defend us, as every good King to his Kingdoms ought to be Protector and Defender of the Biſhops, and the Churches under their Government.

A The King anſwereth.

With a willing and devout Heart I promiſe, and grant my Pardon; and that I will preſerve and maintain to you, and the Churches committed to your Charge, all Canonical Priviledges, and due Law and Juſtice and that I will be your Protector and Defender to my Power, by the aſſiſtance of God, as every good King in his Kingdom in right ought to protect and defend the Biſhops and Churches under their Government.

B Then the King aroſe and was led to the Communion-Table, where he takes a Solemn Oath in ſight of all the People, to obſerve all the Premiſſes, and laying his Hand upon the Bible, ſaid,

The things which I have here promiſed, I ſhall perform and keep; *So help me God and the Contents of this Book.*

C After the Oath, the King was placed in the Chair of Coronation, and was Anointed by the Archbiſhop with a coſtly Ointment, and the antient Robes of King *Edward* the Confeſſor was put upon him, and the Crown of King *Edward* was put upon his Head, and his Sword girt about him; and he offered the ſame, and two Swords more, together with Gold and Silver at the Communion Table. He was afterwards conducted by the Nobility to the Throne, where this Paſſage was read to his Majeſty.

D [*Stand and hold faſt from henceforth the Place, to which you have been Heir by the Succeſſion of Your Forefathers, being now delivered to You by the Authority of Almighty God, and by the hands of us, and all the Biſhops and Servants of God: And as you ſee the Clergy to come nearer the Altar then others, ſo remember that (in all places convenient) You give them greater honor, that the Mediator of God and Man may eſtabliſh you in the Kingly Throne to be a Mediator betwixt the Clergy and the Laity; and that you may Reign for ever with Jeſus Chriſt, the King of Kings, and Lord of Lords.*]

Afterwards the Nobility were ſworn to be Homagers to the King, and ſome other Ceremonies were performed; which being done, the E Lord Keeper by the Kings Command read a Writing unto them, which declared the Kings free pardon to all his Subjects who would take the ſame under the Great Seal.

The Ceremonies of the Coronation being ended, the *Regalia* were offered at the Altar by Biſhop *Laud* in the Kings Name, and then repoſited.

The Biſhop of *Lincoln* fallen into diſgrace by the diſpleaſure of the Duke of *Buckingham*, had not received his Writ of Summons which F he repreſented to the King with ſubmiſſion to His Majeſties pleaſure (denied as he ſaid, to no Priſoners or condemned Peers in his Fathers Reign) to enable him to make his Proxy, if his Perſonal attendance be not permitted. Likewiſe he beſought his Majeſty, That he would be pleaſed to mitigate the Dukes cauſeleſs anger towards him, who was ſo little ſatisfied with any thing he could do or ſuffer, that he had no means

left

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left to appeaſe him, but his Prayers to God and his Sacred Majeſty: Alſo, that in his abſence in this Parliament, no uſe might be made of his Majeſties Sacred Name to wound the Reputation of a poor Biſhop, who beſides his Religion and Duty to that Divine Character which his Majeſty beareth, hath affectionately honoured his very Perſon above all Objects in this World; as he deſired the Salvation of the World to come; And he craveth no Protection againſt any other Accuſer or Accuſation whatſoever. A

A Second Pa liament meets.

On Monday the ſixth of *February*, began the Second Parliament of the Kings Reign.

The King being placed in his Royal Throne, the Lords in their Robes, and the Commons below the Bar, it pleaſed His Majeſty to refer them to the Lord Keeper for what he had to ſay.

The Lord Keepers Speech. B

The Lord Keepers Speech.

My Lords,

"AND you the Knights, Citizens and Burgeſſes of the Houſe of "Commons, you are here aſſembled, by his Majeſties Writs and "Royal Authority to hold a new Parliament, the General, Anci-"ent and powerful Council of this Renowned Kingdom; whereof if we "conſider aright, and think of that incomparable diſtance between the "Supreme Height and Majeſty of a mighty Monarch, and the ſubmiſſive C "awe and lowlineſs of a Loyal Subject, we cannot but receive exceeding "comfort and contentment in the frame and conſtitution of this higheſt "Court; wherein not only the Prelats, Nobles and Grandees, but "the Commons of all degrees have their part, and wherein that high "Majeſty doth deſcend to admit, or rather to invite the humbleſt of his "Subjects to Conference and Council with him, of the great, weigty, "and difficult Affairs of the King and Kingdom: a benefit and favor "whereof we cannot be too ſenſible and thankful; for ſure I am, that all D "good hearts would be both ſenſible and ſorrowful, if we did want it; "and therefore it behoveth all, with united hearts and minds free from "diſtraction and diverſion, to fix their thoughts upon Counſels and Con-"ſultations worthy of ſuch an Aſſembly, remembring, That in it is pre-"ſented the Majeſty and Greatneſs, the Authority and Power, the Wiſ-"dom and Knowledge of this great and famous Nation; and it be-"hoveth us to magnify and bleſs God, that hath put the power of "Aſſembling Parliaments in the hands of him, the virtue of whoſe per-"ſon doth ſtrive with the greatneſs of his Princely Lineage and Deſcent, E "whether he ſhould be accounted *Major* or *Melior*, a greater King, or a "better Man; and of whom you have had ſo much trial and experience, "That he doth as affectionately love, as he doth exactly know and un-"derſtand the true uſe of Parliaments; witneſs his daily and unwearied "Acceſs to this Houſe, before his Acceſs to the Crown; his Gracious "readineſs to all Conferences of Importance; his frequent and effectual "Interceſſion to his Bleſſed Father of never-dying Memory, for the "good of the Kingdom, with ſo happy ſucceſs, that both this and future "generations ſhall feel it, and have cauſe to rejoyce at the ſucceſs F "of his Majeſties Interceſſion. And when the Royal Diadem deſcended "upon himſelf, preſently in the midſt of his Tears and Sighs for the de-"parture of his moſt Dear and Royal Father, in the very firſt Conſulta-

"tation

" tion with his Privy Council, was reſolved to meet his People in Par-
" liament: And no ſooner did the heavy hand of that deſtroying Angel
" forbear thoſe deadly ſtrokes, which for ſome time did make this place
" inacceſſible, but his Majeſty preſently reſolved to recall it, and hath
" now brought you together, and in a happy time, I truſt, to treat and
A " conſult with uniform Deſires and untied Affections, of thoſe things
" that concern the general good.

" And now being thus Aſſembled, his Majeſty hath Commanded me
" to let you know, that his Love and Affection to the publick, moved him
" to call this Parliament; and looking into the danger and the ſpreading
" of that late Mortality, and weighing the multitude of his Majeſties
" preſſing occaſions and urging affairs of State, both at home and abroad,
" much importing the ſafety and ſtate of this Kingdom; the ſame affecti-
B " on that moved him to call it, doth forbid him to prolong the Sitting of
" this Parliament: And therefore his Majeſty reſolving to confine this
" Meeting to a ſhort time, hath confined me to a ſhort Errand; and that
" is, That as a thing moſt agreeable to the Kingly Office, to the example
" of the beſt times, and to the frame of Modern Affairs, his Majeſty hath
" called you together to conſult and to adviſe of provident and good
" Laws, profitable for the publick, and fitting for the preſent times
" and actions; for upon ſuch depends the aſſurance of Religion and of
C " Juſtice, which are the ſureſt Pillars and Buttereſſes of good Govern-
" ment in a Kingdom: For his Majeſty doth conſider, that the Royal
" Throne, on which God out of his Mercy to us hath ſet him, is the
" Fountain of all Juſtice, and that good Laws are the Streams and Quits
" by which the benefit and uſe of this Fountain is diſperſed to his People
" and it is his Majeſties care and ſtudy, that his People may ſee with
" comfort and joy of heart, that this Fountain is not dry, but they and
" their Poſterity may reſt aſſured and confident in his time, to receive
D " as ample benefit from this Fountain, by his Majeſties Mercy and Juſtice
" as ever Subjects did in the time of the moſt eminent Princes amongſt
" his Noble Progenitors; wherein, as his Majeſty ſhews himſelf moſt
" ſenſible of the good of the Publick, ſo were it an injury to this great
" and honourable Aſſembly if it ſhould be but doubted, that they ſhall
" not be as ſenſible of any thing that may add to his Majeſties Honor;
" which cannot but receive a high degree of Love and Affection, if his
" Majeſty ſucceeding ſo many Religious, Wiſe, and renowned Princes,
E " ſhould begin his Reign with ſome Additions unto thoſe good Laws
" which their happy and glorious times have afforded. And this his Ma-
" jeſty hath cauſed me to deſire at this time, eſpecially above others;
" for his Majeſty having at his Royal Coronation lately ſolemnized the
" Sacred Rites of that bleſſed Marriage between his People and him;
" and therein by a moſt Holy Oath, vowed the Protection of the Laws,
" and maintainance of Peace, both to Church and People, no time can
" be ſo fit for his Majeſty to deviſe and conſult at large with his People,
F " as at this preſent time, wherein ſo lately his Majeſty hath vowed Pro-
" tection to his People, and they have proteſted their Allegiance and
" Service to him.

" This is the ſum of that Charge which I have received from his Ma-
" jeſty to deliver unto you; wherein you ſee his Majeſties intent to the
" Publick: And therefore his deſire is, That according to that conveni-
" ency of time which his Affairs may afford, you may apply your ſelves
" to diſpatch the buſineſs of this Parliament.

The

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Sir *Heneage Finch* choſen Speaker.

The Wedneſday following the Commons preſented Sir *Heneage Finch* Knight, Serjeant at Law, and Recorder of *London*, for their Speaker; who having made the accuſtomed excuſes, and acknowledged his Majeſties Approbation, made this Speech.

His Speech.

" SInce it hath pleaſed your Majeſty not to admit my humble Excuſe,
" but by your Royal Approbation to crown this Election; after
" my Heart and Hands firſt lifted up to God, that hath thus inclined
" your Royal Heart, I do render my humbleſt thanks to your Majeſty who
" are pleaſed to caſt ſo gracious an Eye upon ſo mean a ſubject, and to de-
" ſcend ſo low as in a ſervice of this importance, to take me into your
" Princely Thoughts. And ſince we all ſtand for Hundreds and Thou-
" ſands, for Figures and Ciphers, as your Majeſty, the Supreme and So-
" vereign Auditor, ſhall pleaſe to place and value us, and like Coyn to
" paſs, are made current by your Royal Stamp and Impreſſion; only I
" ſhall neither diſable nor undervalue my ſelf, but with a faithful and
" chearful heart, apply my ſelf with the beſt of my ſtrength and abilities,
" to the performance of this weighty and publick Charge, wherein as I
" do and ſhall to the end, moſt humbly deſire your gracious acceptance
" of my good intentions and endeavours: So I could not but gather ſome
" confidence to my ſelf, that your Majeſty will look favourably upon
" the works of your own hands. And in truth beſides this particular,
" theſe publick things which are obvious to every underſtanding, are
" ſo many Arguments of Comfort and Encouragement where I contem-
" plate and take a view of thoſe ineſtimable Bleſſings, which by the
" goodneſs of God, we do enjoy under your Majeſties moſt pious and
" prudent Government.

" If we behold the frame and the face of the Government in general,
" we live under a Monarchy, the beſt of Governments, the neareſt re-
" ſemblance unto the *Divine Majeſty* which the Earth affords, the moſt
" agreeable to Nature, and that in which other States and Republicks
" do eaſily fall and reverſe into the Ocean, and are naturally diſſolved
" as into their *Primam Materiam*, The Laws by which we are governed
" are above any value my words can ſet upon them; time hath refined
" and approved them; they are equal at leaſt to any Laws humane, and ſo
" curiouſly framed and fitted, that as we live under a temperate climate,
" ſo the Laws are temperate, yielding a due obſervance to the Preroga-
" tive-Royal, and yet preſerving the Right and Liberty of the Subject;
" That which *Tacitus* ſaith of two of the beſt Emperors, *Res olim inſocia-*
" *biles miſcuerunt, imperium & libertas*; and ſo far is this from the leaſt
" diminution of Sovereigns, that in this your Majeſty is truly ſtiled *Pater*
" *Patriæ*, and the greateſt King in the World, that is King of ſuch and
" ſo many free-born Subjects, whoſe perſons you have not only power
" over, but, which is above the greateſt of Kings, to command their
" hearts. If time or corruption of manners breed any Miſts or
" Grievance, or diſcover any defect in the Law, they are ſoon re-
" formed by Parliament, the greateſt Court of Juſtice, and the
" greateſt Council of the Kingdom, to which all other Courts and
" Councils are ſubordinate. Here your Royal Perſon ſtill enthroned in
" the State of Majeſty, attended by a Reverend and Learned Prelacy,
" a great and full Nobility inthroned like Stars in the Firmament;

" ſome

"ſome of a great ſome of a leſſer magnitude, full of light and beauty,
"and acknowledging to whom they owe their luſtre; and by a choice
"number of worthy Knights and Gentlemen, that repreſent the whole
"body of your Commons. But to leave generals; We live not under
"a Monarchy only the beſt of Governments, and under a Government
"the beſt of Monarchies; but under a King the beſt of Monarchs, Your
"Royal Perſon, and thoſe eminent graces and vertues which are inherent
A "in your perſon (in whom Greatneſs and Goodneſs contend for Superi-
"ority) it were preſumption in me to touch, though with never ſo good
"a meaning; they will not be bounded within the narrow compaſs of my
"diſcourſe: And ſuch Pictures of ſuch a King are not to be made in Limn-
"ing but for publick things and actions which the leaſt eye may ſee and
"diſcern; and in them obliquely and by reflection chearfully and with
"comfort behold your Perſon. What age ſhall not record and eterniſe
"your Princely magnanimities in that Heroick action or venturous
B "journey into *Spain*, or hazarding your Perſon to preſerve the Kingdom?
"Fathers will tell it to their Children in ſucceſſion; After-ages will then
"think it a Fable. Your piety to the Memory of your dear Father, in fol-
"lowing and bedewing his Herſe with your tears, is full in every mans
"memory. The *Publick Humiliation* when Gods hand lay heavy upon us,
"and the late *Publick Thanksgiving* to Almighry God for removing his
"hand both commanded and performed in perſon by your Majeſty is a
"work in piety not to be forgotten, and I truſt the Lord will remember
C "them and reward them with mercy and bleſſing to your Majeſty and
"the whole Kingdom. Your love to uſtice, and your care in the admini-
"ſtration of Juſtice, we all behold with comfort, and rejoyce to ſee it: the
"great Courts of Juſtice, from the higheſt to the loweſt furniſhed with
"Judges of that wiſdom and gravity, learning and integrity: the Thrones
"of Kings are eſtabliſhed by Juſtice, and may it eſtabliſh, and I doubt not
"but it will eſtabliſh the Throne of your Majeſty in your perſon, and in
"your Royal Line to the end of time. But above all, and indeed it is
D "above all as far as Heaven is diſtant from the Earth, your care and zeal
"for the advancement of Gods true Religion and Worſhip, are clearly
"and fully expreſt and do appear both in your Perſon and by your pub-
"lick Acts and Edicts. It is true that it is ſaid of Princes *Quod faciunt*
"*præcipiunt*: of your Majeſty both are true; and a Propoſition made
"convertible. We have received a moſt gracious anſwer from your Ma-
"jeſty to all our late Petitions concerning Religion, ſeconded with a
"Publick Declaration under the Great Seal, and enrolled in all the Courts
E "of Juſtice, for your Royal pleaſure and direction to awaken and put
"life into theſe Laws by a careful execution, with proviſion that the pe-
"nalties be not converted to your private Coffers, and yet the Coffers of
"the Kings are not private coffers, but by your expreſs direction ſet apart
"to publick uſes, ſuch as concern the immediate Defence of the Kingdom,
"wherein we all have our ſhare and intereſt. Your Royal Proclamation
"hath commanded thoſe Romiſh Prieſts and Jeſuits to Baniſhment,
"thoſe Incendiaries that infect the State of this Church and Com-
F "monwealth. Their very entrance into this Kingdom, is, by a Juſt and
"provident Law, made Treaſon; their aims being in truth (how ſpeci-
"ous ſoever their pretences be) nothing elſe but to plot and contrive
"Treaſon againſt the State, and to ſeduce your Natural born Subjects
"from their true obedience nouriſhing in their poſterities Factions
"and Seditions: Witneſs thoſe many Treaſons and Conſpiracies againſt

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"the perſon of that glorious Lady, whoſe memory will never dye; and
"that horible matchleſs Conſpiracy, the *Powder-Treaſon*, the Maſter-
"piece of the Devil. But God that preſerved her and your Royal Father
"againſt all their treacherous Conſpiracies, and hath given you a heart
"to honor him, will honor and preſerve you: Religion will more truly
"keep your Kingdoms, than the Seas do compaſs them: It is the joy
"of heart to your Majeſties loyal and well-affected Subjects, and will
"ever be the honor of your Regal Diadem, and the Crown of your A
"Crown. The Spaniſh invaſion in *Eighty Eight* I hope will ever be re-
"membred in *England*, with thankful acknowledgment to God for ſo
"great a deliverance: and I aſſure my ſelf it is remembred in *Spain*,
"but with another mind, a mind of Revenge; they are too conſtant
"to their councils, to acquit their Reſolutions and purpoſes that draw
"on that Attempt. It was long before diſcovered, and ſince Printed not
"without their liking, That they effect an Univerſal Monarchy. *Videor*
"*mihi videre* (ſaith *Lipſius* of their State) *Solem orientem ab Occiden-* B
"*te*; a Monſter in Nature. And one of their own, ſpeaking of the
"two great Lights which God had placed in the Firmament, makes the
"Pope *Luminare majus preſidens urbi & orbi*, and the King of *Spain*,
"*Luminare minus ut ſubdatur urbi & dominetur per totum orbem:* A great
"flattery, and a bold and impudent eluſion, But I truſt as God hath put
"it into the heart of your bleſſed Father, by the matchleſs Book of his
"written to all Chriſtian Monarchs and Princes (a work by which he
"raiſed a Monument to himſelf more laſting then Marble) to denounce C
"War to that Adverſary of God and Kings, the Pope; ſo he hath ſet
"your ſacred Majeſty upon the Throne of your Father, to do as many
"things worthy to be written, as he had written things worthy to be
"read: amongſt them to reſtrain that unlimited pride and boundleſs am-
"bition of *Spain*, to reduce it to their proper current and Channel, who
"under the title of *Catholick King*, makes his pretence to more Countries
"and Kingdoms then his own; and by color of diſguiſed Treaties he in-
"vades the *Palatinate*, and diſpoſſeſſeth the Incomparable Lady your D
"Royal Siſter, and the Children of this Kingdom, of their right and their
"antient Patrimony and Inheritance, to the diſcomfort and diſhonor of
"this great and glorious Nation. God in his Mercy ſoon repair this
"breach by your Royal head; and I aſſure my ſelf, the hearts the hands,
"and the purſes of all good Subjects will ſay *Amen*,
"But I may weary your Majeſty, and loſe my ſelf, and forget for whom I
"am ſpeaker. Cuſtom gives me the Priviledge as an humble Suitor on
"the behalf of the Houſe, to preſent their few Petitions unto your Majeſty. E

1. "The firſt, That for our better attending this Publick and impor-
"tant ſervice, our ſelves and our neceſſary Attendance may with your
"Majeſties tender allowance be free both in our perſons and goods from
"Arreſt and troubles, according to our Antient Priviledges.

2. "The next; That ſince for the preparing and drawing to concluſi-
"on ſuch Propoſitions as ſhall be handled in the Houſe, Debate and
"Diſpute will be neceſſary, and by variety of opinions, truth is oftentimes
"beſt diſern'd; your Majeſty will likewiſe according to your antient uſage F
"and privilege vouchſafe us liberty and freedom of ſpeech, from which
"I aſſure my ſelf duty and loyalty to your Majeſty will never be ſevered.

3. "That when occaſions of moment ſhall require, your Majeſty
"upon our humble ſuit, and at ſuch times as may beſt ſort with your
"occaſions, will vouchſafe us acceſs to your Royal perſon.

4. "That

1 *Caroli.*

4. "That the Proceedings of the Houſe may receive a favorable "Interpretation at your gracious hands, and be free from miſconſtru- "ctions.

The Houſes began their work with rendring thanks to the King, for his gracious Anſwer to the late Petition for Religion.

A An act was tendred and read, To adminiſter an Oath for the rendring a true Accompt of all General and Publick Taxes, Rates, and Collections. Another againſt Scandalous Miniſters. It was moved, ſome Proviſion might be made againſt Scandalous Livings, as well as againſt Scandalous Miniſters.

Grievances taken into conſideration.

B The Commons further fell into Examination of the Publick Grieveances and the Carriage, or rather Miſcarriage of the Fleet to *Cadiz*; The Evil Counſellors about the King; Miſgovernment and Miſimployment of the Kings Revenue; An Account of the Subſidies and Three Fifteens granted 21 *Jacobi*; and reſolved of a Committee for ſecret Affairs, and another for Grievances, to ſit every *Friday* and *Wedneſday* during the Parliament. And Mr. *Whidby* was commanded to the Chair for the Committee for Grievances, where were delivered theſe enſuing Conſultations.

I. [*The ſtate of the King in the conſtant Revenue of the Crown.*]

Grievances laid open.

C 1. What it was, and how for the *Introitus* and *Exitus* they are ordered.

2. What now it is, either in clear, or by Lands, by Cuſtoms and Impoſitions, or by Caſualties.

3. The means how it is abated, By gifts or by Lands *ex mero motu*, and no valuable conſideration, and this may be revoked.

By grants of Penſions, now 120000 *l.* before but 80000 *l.* Good Times have reſumed them, or Contracted them upon Neceſſity.

By increaſe of Houſhold from 45000 *l.* to 80000 *l.* the Purveyors D more, and the Tables leſs furniſhed then formerly.

By fruitleſs Ambaſſadors, with larger allowance then formerly: To reduce them to the ordinary of the late Queen.

By treble increaſe of the Privy-Purſe.

By double increaſe of the Treaſury of the Chamber and Great Wardrobe.

In all by not uſing the beſt courſe of Aſſignments, whereby the Creditors are delayed in the payment, and the King ſurcharged in the price; E the Exchequer-man making his profit from the Kings wants.

II. [*The Condition of the Subject in his Freedom.*]

1. Formerly in Taxes by Parliaments, as by Subſidies and Fifteens ſpent only on Defence of the State, or Aid of our Allies; by Tonage and Poundage, employed in Guard of the Seas; Loans rerely, and thoſe imployed intirely for the Publick; Impoſition by Prerogative of old Cuſtoms rated eaſily by the Book of Rates, if any either limited to time F or meaſure.

2. New Impoſitions and Monopolies multiplied, and ſetled to continue by Grants, Cuſtomes inhaunced by the new Book of Rates.

Tonage and Poundage levied, though no Act of Parliament, nor Seas guarded; the Times, the Wayes and the Perſons that induce theſe.

An. 1625.

3. The Imployment or Waſt of the Treaſure: What ſums have been granted for the Defence of the State, the laſt Three years; How in particular ſpent and where; By what Advice, as by the direction of the Council of War appointed by Parliament, by full order of the Council, any other than thoſe, and by whom.

Firſt, Publick Treaſury is to be examined.

Secondly The Kings Subjects, how many, and when tranſported and imployed as to the *Palatinate*, Count *Mansfields* Land ſoldiers in the laſt Fleet: the Deſigns where they were ſent; the Council that directed it; the ſucceſs of the Action, and the Return of the Perſons in number, and the Loſs. A

Thirdly, In ſhips and Munition our own, the number and quantity imployed ſeverally; the Number imbarqued in thoſe ſhips; and what prejudice and diſcouragement of Trade; the Council that directed ſuch Imployments; the ſeveral ſucceſs, as at *Algier* and *Cadiz*, Strangers and thoſe Ships either of Allies or Enemies: Allies hired by contract to ſerve, and now uſed or taken as Prize; if ſo, how then delivered and delt withal in Courts of Juſtice; what ſucceſs hath followed upon Juſtice done them? as the Arreſt of our Goods in *France* and *Germany*, whereby our Merchants are at a ſtand; the number and true value of the Goods, the accompt thereof made his Majeſty or his Officers; the diſmiſſing and diſcharging any of them, or the goods, *viz.* by whom the Directions, the Pretence, the value of the Goods, the place whither they went. B C

Honor of the King; which as in all other things conſiſts in what formerly hath been done: how formerly we ſtood a Nation feared, renowned, victorious: We made the *Netherlands* a State, when they were none; Recovered *Henry* the Fourth of *France* his Kingdom, when he had nothing left but the Town of *Diep*; conquered the Invincible Navy of *Spain*, in *Anno* 1588. took Towns in *Portugal* the year following, and marched one hundred miles upon firm ground; Fired or brought away the Spaniſh Navy before *Cadiz*, and ſack'd the Town, took the Spaniſh ſhips daily, and ſpoiled the Port-towns of the *Weſt-Indies*, never loſing but one ſhip during the Spaniſh War; reducing the condition of that King from a Fifth Monarchy to ſo low an ebb, that in one Year he paid Two thouſand five hundred Millions of Duckets for intereſt; ſo as after he was enforced to beg Treaties of Peace and low Terms at the laſt Queen-Regents hands. D

III. [*The cauſe of the good ſucceſs then.*] E

A carriage and readineſs to aſſiſt their Sovereign in Purſe and Perſon; A wiſdom and Gravity of Council, who ordered nothing but by publick Debate, and then aſſiſted with the Military Profeſſors either by Land or Sea of the beſt repute, and ſuch only imployed.

IV. [*In what condition we now ſtand.*]

By the loſs of Reputation, by the ill ſucceſs of the Voyage for *Algier*, in the *Palatinate*, in the expedition with *Mansfield*, in the laſt to *Cadiz*. F

The Reaſons are,

The uncheerfulneſs we have either to adventure our purſes or perſons, occaſioned by a diſtruſt we have of the ſucceſs, the want of like courſes and Councils that were formerly uſed.

It

1 Carol.

It was wiſhed, that for every of the Four Heads there were a particular Committee to examine and prepare a Report for the Houſes; and the Houſe upon every Report to put it ſelf into a Committe of the whole Aſſembly, and after a full and deliberate Debate, to order a Model or Form for a Conference with the Lords, and ſo together humbly to preſent to his Majeſty a Remonſtrance of their Labour; offering withal a ſecond Conſultation and Debate amongſt themſelves for finding out the
A fitteſt means both for the Defence of the State and our Allies, Reformation of the Errors, and conſtant way to raiſe ſuch ſupplies as may enable his Majeſty to proceed chearfully, and as they hope aſſuredly in this his Glorious Actions, not only for himſelf and State, but all that profeſs the ſame Religion, and are like to be overwhelmed in the Ambition of the Spaniſh Monarch.

Alſo a Committee was named concerning Religion, and the growth of Popery; and *Montague*'s [*Appeal to Cæſar*] was again brought in
B queſtion.

This Book the Commons referred to the Committee for Religion, from whom Mr. *Pym* Reported to the Houſe the ſeveral Erroneous Opinions therein contained; and the Houſe paſſed their Votes thereupon, That Mr. *Montague* endeavored to reconcile *England* to *Rome*, and to alienate the Kings affections from his well-affected Subjects.

The Articles exhibited againſt him were theſe;

C

Articles exhibited by the Commons againſt *Richard Montague* Clerk.

Articles againſt Mr. *Montague*.

THat he the ſaid *Richard Montague*, in or about the 21. year of the Reign of our late Soveraign Lord King *James* of famous memory, hath cauſed to be Printed, and in his name to be Publiſhed, one Book called, *An anſwer to the late Gagg of Proteſtants*; and in or about
D *Anno* 22. of the ſame King, he cauſed to be Printed and Publiſhed, one other Book, Entituled, *A Tratiſe of the Invocation of Saints*; and likewiſe in the Firſt year of his Majeſties Reign that now is, he procured to be Printed, and in his name to be publiſhed another Book Entitled, *An Appeal to Cæſar*: In every of which Books he hath maintained and confirmed ſome Doctrine contrary or repugnant to the Articles agreed by the Archbiſhops and Biſhops of both Provinces, and the whole Clergy, holden in the Convocation at *London*, *Anno Domini* 1562. according to
E the computation of the Church of *England*, for avoiding Diverſity of Opinions and for eſtabliſhing Conſent touching true Religion: All which appears in the places hereafter mentioned; and in divers other places and paſſages of the ſame Books; and by his ſo doing hath ſo broken the Laws and Statutes of this Realm in that caſe provided, and very much diſturbed both the Peace of Church and Commonwealth.

I. Whereas in the Five and thirtieth Article of the Articles aforeF mentioned, it is declared, That the ſecond Book of Homilies doth contain a Godly and wholeſome Doctrine; in the ſixteenth Homily of which Book it is determined, that the Church of *Rome*, as it is at preſent, and hath been for the ſpace of nine hundred years and odd, is ſo far wide from the nature of a True Church, that nothing can be more. He the ſaid *Richard Montague*, in ſeveral places in the ſaid Books called,

The

An. 1625. *The anſwer to the Gagg* and in his other Book, called *The Appeal*, doth adviſedly maintain and affirm, That the Church of *Rome* is and ever was, a True Church, ſince it was a Church.

II. Whereas in the ſame Homily, it is likewiſe declared, That the Church of *Rome* is not built upon the Foundation of the Prophets and Apoſtles; and in the Eight and twentieth Article of the ſaid Articles, That Tranſubſtantiation overthroweth the nature of a Sacrament; and A in the Five and twentieth of the ſame Article; that Five other reputed Sacraments of the Church of *Rome*, are not to be accounted Sacraments; yet contrary and repugnant hereunto, he, the ſaid *Richard Montague*, doth maintain and affirm in his Book aforeſaid, called *The anſwer to the Gagg*, That the Church of *Rome* hath ever remained firm upon the ſame Foundation of Sacraments and Doctrine, inſtituted by God.

III. In the nineteenth of the ſame Article, it is further determined, B That the Church of *Rome* hath erred, not only in their living and matters of Ceremony, but alſo in matters of Faith. He the ſaid *Richard Montague*, ſpeaking of thoſe points which belong to Faith and good Manners, Hope and Charity, doth in the ſaid Book, called *The Gagg*, affirm and maintain, that none of theſe are controverted in their Points, meaning the Proteſtants and Papiſts; and notwithſtanding, that in the One and thirtieth Article, it is reſolved, that the Sacrifice of Maſſes, in which, as it is commonly ſaid, The Prieſts did offer Chriſt for the Quick and C the Dead, to have remiſſion of pain and Guilt too, is a Blaſphemous Fable, and dangerous Deceit; this being one of the Points controverted between the Church of *England* and the Church of *Rome*. The ſaid *Richard Montague* in his Book called *The Gagg*, doth affirm and maintain, that the controverted Points are of a leſſer and inferiour nature, of which a man may be ignorant without any danger of his Soul at all; a man may reſolve to oppoſe this or that without peril of periſhing for ever. D

IV. Whereas in the ſecond Homily, Entituled *Againſt Peril of Idolatry* contained in the aforeſaid Book of Homilies, and approved by the ſeven and thireth Article aforementioned; it is declared, That Images teach no good Leſſon, neither of God nor Godlineſs, but all Error and Wickedneſs: he the ſaid *Richard Montague*, in the Book of *Gagg* aforeſaid, doth affirm and maintain, That Images may be uſed for the Inſtruction of the Ignorant, and excitation of Devotion. E

V. That in the ſame Homily, it is plainly expreſſed, That the attributing the defence of certain Countries to Saints, is a ſpoiling God of his honor, and that ſuch Saints are but *dii tutelares* of the gentiles Idolators: The ſaid *Richard Montague* hath notwithſtanding in his ſaid Book, Entituled, *A Treatiſe concerning the invocation of Saints* affirmed and maintained, That Saints have not only a Memory, but a more peculiar Charge of their Friends; and that it may be admitted, that ſome Saints have a peculiar Patronage, Cuſtody, Protection, and Power, as Angels alſo have, over certain Perſons and Countries by ſpecial deputation; and that it is no impiety ſo to believe: whereas in the ſeventeenth of the ſaid Articles, it is reſolved, That God hath certainly Decreed by his Counſel ſecret to us, to deliver from Curſe and Damnation, thoſe whom he hath choſen

choſen in Chriſt out of mankind, and to bring them by Chriſt to everlaſting Salvation; wherefore they which be endued with ſo excellent benefit of God, be called according to Gods purpoſe, working in due ſeaſon, they through grace obey the Calling, they be juſtified freely, walke religiouſly in good works, and at length by Gods Mercy attain to, everlaſting felicity: He, the ſaid *Richard Montague*, in the ſaid Book called *The Appeal*, doth maintain and affirm, that men juſtified may fall away, and depart from the ſtate which once they had; they may ariſe again and become new men poſſibly, but not certainly nor neceſſarily. And the better to countenance this his opinion, he hath in the ſame Book willfully added, falſified and changed divers words in the ſixteenth of the Articles before mentioned and divers other words both in the Book of Homilies, and in the Book of Common-Prayer, and ſo miſrecited, and changed the ſaid places he doth allege in the ſaid Book, called *The Appeal*, endeavoring thereby to lay a moſt wicked and malicious ſcandal upon the Church of *England*, as if he did herein differ from the Reformed Churches of *England*, and from the reformed Churches beyond the Seas; and did conſent to thoſe pernicious Errors, which are commonly called Arminianiſm, and which the late famous Queen *Elizabeth*, and King *James* of happy memory, did ſo piouſly and diligently labour to ſuppreſs.

That the ſaid *Richard Montague*, contrary to his Duty and Allegiance, hath endeavored to raiſe great Factions and Diviſions in this Commonwealth, by caſting the odious and ſcandalous name of *Puritans* upon ſuch his Majeſties loving Subjects as conform themſelves to the Doctrine and Ceremony of the Church of *England*; under that name laying upon them divers falſe and malicious Imputations, ſo to bring them into jealouſie and diſpleaſure with his moſt Excellent Majeſty, and into reproach and ignominy with the reſt of the people, to the great danger of Sedition and Diſturbance in the State, if it be not timely prevented.

That the Scope and end of the ſaid *Richard Montague* in the Books before mentioned, is to give encouragement to Popery, and to withdraw his Majeſties Subjects from the true Religion eſtabliſhed, to the Roman Superſtition, and conſequently to be reconciled to the See of *Rome*; All which he laboreth by ſubtle and cunning wayes, whereby Gods true Religion hath been much ſcandalized, thoſe Miſchiefs introduced which the wiſdom of many Laws hath endeavored to prevent, the Devices and Practices of his Majeſties Enemies have been furthered and advanced, to the great peril and hazard of our Soveraign Lord the King, and of all his Dominions and loving Subjects.

That the ſaid *Richard Montague* hath inſerted into the ſaid Book, called *The Appeal*, divers paſſages diſhonorable to the late King, his Majeſties Father of famous memory; full of bitterneſs, railing and injurious Speeches to other perſons, diſgraceful and contemptible to many worthy Divines both of this Kingdom, and other reformed Churches beyond the Seas; impious and profane in ſcoffing at preaching, meditating and conferring Pulpits, Lectures, Bible, and all ſhew of Religion; all which do aggravate his former Offences, having proceeded from malicious and envenomed heat againſt the Peace of the Church, and the ſincerity of the Reformed Religion publickly profeſſed, and by Law eſtabliſhed in this Kingdom. All which Offences, being to the diſhonor of God, and of moſt miſchievous effect and conſequence againſt the good of this Church and Commonwealth of *England*, and of other his Majeſties Realms

An. 1625.

Realms and Dominions. The Commons aſſembled in Parliament, do hereby pray, That the ſaid *Richard Montague* may be puniſhed according to his Demerits, in ſuch exemplary manner, as it may deter others from attempting ſo preſumtuouſly to diſturb the Peace of Church and State, and that the Book aforeſaid may be ſuppreſſed and burnt.

Whether an Anſwer was made to theſe Articles by Mr. *Montague*, we cannot tell, upon ſome ſearch we can find none.

People prohibited for going to Maſs at Ambaſſadors Houſes.

About the ſame time his Majeſty being informed that there was great liberty taken by divers of his Subjects to reſort to the hearing of Maſs at *Durham-houſe* in the Lodgings of a Foreign Ambaſſador; the Privy Council taking notice thereof, and accounting it ſcandalous to this Church, and of ill example to be ſuffered at any time, but much more in this time of Parliament, required the Biſhop of *Durham* to apprehend ſuch of his Majeſties Subjects as ſhould be preſent at the Maſs, and to commit them to Priſon. A

There was alſo a Letter ſent from the Attorny-General to the Judges of the Circuit, to direct their Proceedings againſt Recuſants, to this effect. B

The Attorney's Letter to the Judges concerning Recuſants.

THat their Lordſhips will not omit to publiſh the Kings Gracious and Religious Determination, to go on really and conſtantly in this way, and that out of his bounty and goodneſs he hath publiſhed his Reſolution under the great Seal of England, *that what ſoever Revenue or Benefit ſhall ariſe hereby, from Purſes of Popiſh Recuſants, ſhall be ſet apart from his own Treaſury, and wholly employed for the Service of the Commonwealth, and ſhall not be diſpenced with to any of what degree ſoever, nor diverted by any of the Suits of his Servants or Subjects.* C

2. *That their Lordſhips will be pleaſed at their firſt coming into every County within their Circuit, to command the Clerk of Aſſiſe, and Clerk of the Peace, to be careful for the Indictiment of Popiſh Recuſants, without reſpect of Perſons, of what Degree of Honor or Office ſoever; and that they neither make nor ſuffer to be made any omiſſion, or miſtaking in their Indictment, or other proceedings; and that the next Term, within Ten days of the beginning of the Term they give or ſend to him (viz. the Attorny) a note in writing, who ſtand indicted of new, and that they fail not to certify the Recuſants convicted into the Exchequer by that time.* D

That at their Lordſhips firſt coming into the Country they call the Juſtices of Peace then preſent, and the Grand Jury-men to give their Lordſhips true Information of the Recuſants of any note or Name in that Country; and that thereupon their Lordſhips will be pleaſed to take care that the Grand Jury-men, either by Evidence, or their own knowledg, indict them which are not already indicted, before the end of the Aſſiſes, and that their Lordſhips admit no Traverſe, unleſs the Perſons convicted have firſt yielded their bodies into the cuſtody of the Sheriff, as their Lordſhips know well all the Judges, with one voice, reſolved the Law to be. E

3. *That there be ſpecial care taken of Schoolmaſters and Teachers of any kind who are Popiſh, that they be preſented and proceeded againſt.*

4. *That their Lordſhips, give knowledg to the Counties where they ſit, that the married Women, who are Popiſh Recuſants, convicted by the Law, ought to be committed to the Common Goal without Bail, unleſs their husbands redeem their liberty by their conſtant payment of* 10 *l. a month, and that it muſt be executed.* F

Inner-Temple
Mar. 7. 1625.

Your Lordſhips ready to be commanded,
ROB. HEATH.

The

1 *Caroli.*

The Commons proceeded in the Examination of Grievances, and had a report made unto them, That the reaſon wherefore our Merchants Ships and Goods were ſeized in *France*, was, by reaſon of Sir *James Bagg*, Vice-Admiral for *Cornwal*, and other mens dealings towards the French, in ſeizing upon their Goods in ſeveral Ports in *England*, and particularly the ſeizing the Ship called the *Peter* of *Newhaven*, and brought into *Plymouth*, by order from the Lord Duke, after the King and Council had ordered this Ship to be reſtored upon a juſt claim, and that the Court of Admiralty had alſo releaſed her. That till this action the *French* did not begin to ſeize any *Engliſh* Goods or Ships: That twenty and three bags of Silver, and eight bags of Gold, were by Sir *Francis Steward*, delivered to the Lord Duke; the Duke having notice hereof, ſaid, He would juſtify the ſtay of the Ship by order from the King.

The Council of War, appointed to manage the buſineſs for the relief of the *Palatinate*, were called into the Houſe of Commons, and this Queſtion was propounded unto them: Whether their Advice was followed which they gave for the four ends mentioned in the Act of Parliament, 21 *Jacobi*, for which the Moneys given by that Act were to iſſue? Lord *Carey* Earl of *Totnes*, and Lord *Brook*, deſired to be excuſed from anſwering; the Lord *Vere* ſaid, He had been much abſent in the *Low-Countreys*, and could ſay little. The Lord *Grandiſon* ſaid, That ſince *July* laſt they had ſeldom met. Sir *Robert Manſel* and Sir *John Ogle* deſired a Copy of the Queſtion, and that they might all confer together before they gave Anſwer to a Queſtion of this concernment. Afterwards the ſame perſons (except the Lord *Vere*) were called in again, who gave unſatisfactory Anſwers, when they were preſſed to deal clearly and fully in the buſineſs. It was anſwered by ſome of them, That they conceived by the Act of Parliament, they were bound to make no other Anſwer than what they had done. Others deſired before they anſwered, that they might have the King's conſent firſt; That obtained, and a ſpecial Order of the Houſe requiring an Anſwer, Sir *Robert Manſel* declared his readineſs to give a clear and full account.

The Council of War for the *Palatinate* queſtioned in the Houſe of Commons.

While matters were thus debated, Mr. Secretary *Cook* delivered a Meſſage from the King to the Commons, declaring his Majeſties occaſion for Supply.

This Meſſage was ſtrengthened by a Conference which the Lords deſired with the Commons; where *William* Earl of *Pembroke* repreſented the Affairs of *Chriſtendom*, how they ſtood before the breach of the Treaties with *Spain*, and how at that preſent; ſhewing, That the condition of the *Palatinate* was nothing bettered; That Count *Mansfield*'s Army was raiſed for the diverſion of the League Catholick in *Germany*; That the King of *Denmark* had thereupon engaged himſelf to ſtand or fall in this Quarrel, in caſe of Supplies; That the *Swedes* were forward; and laſtly, That his Majeſty had made a ſtrict Alliance with the *Hollanders* upon theſe Terms, That they ſhall bear a fourth part of the Expence of our Navy, and only have a fourth part of the Spoils, the Lands and Cities conquered to be the Kings: The Fruits of all rich advantages will be loſt, if a ſpeedy aſſiſtance be not reſolved on.

The Earl of *Pembroke*, at a Conference, preſſeth Supply.

An. 1626.

Reports from the Committee concerning Evils and Remedies.

The Commons not thinking fit to take into consideration the matter of Supply at present, call for a Report from the Committee appointed to consider of the Causes and Remedies of Evils; which being made by Mr. *Wandeford*, it was resolved, That the Diminution of the Kingdom in Strength and Honour, is a general Evil which we suffer under: A second, the increase and countenancing of *Papists*: A third, the not guarding of the Narrow Seas: A fourth, Plurality of Offices in one hand: A fifth, Sales of Honours and Places of Judicature: A sixth, delivery up of Ships to the French: A seventh, Mis-imployment of three Subsidies and three Fifteens, *&c.* And they further ordered, That the Duke, whom these misdemeanors especially reflected on, have notice, that the Commons House intend suddenly to resume the Debate of these things; and Mr. *Clement Cook* said openly, *That it were better to die by an Enemy, than to suffer at home.*

A Committee of the Lords House, to consider of the safety of the Kingdom.

The Lords at that time, more readily complying with the Kings desires, appointed a Committee to consider of the safety and defence of the Kingdom in general, and particularly of the safeguard of the Seas, the Store of Ammunition and Arms, and all things incident thereunto, and of strengthening the Forts. For this the King gave them thanks, and desired them to proceed with alacrity.

Communicated to the Commons.

The Committee of Lords made haste, and reported their advice to the House, That presently one Fleet be set to Sea against the King of *Spain*, to annoy him, and to prevent the Invasion of this Kingdom: That another be set out to defend our own Coasts, and the Merchants from Pirats; and that consideration be made of maintaining the Armies under the King of *Denmark* and Count *Mansfield*: but the House would give no opinion thereupon, till they had conference with the House of Commons, which was desired upon this occasion.

Not well resented.

To which Message the Commons only returned this Answer, That they desire to have a good correspondency with their Lordships, and will be ever careful of the safety and defence of the Kingdom, and maintain their own Priviledges, as is fitting and immediately proceed with the debate concerning the Duke, which was a little interupted, as well by a Letter of the King's to the Speaker, as by a Message delivered by Sir *Richard Weston* touching Supply.

King *Charles* to the Speaker.

Trusty and Well-beloved, *&c.*

The King's Letter to the Speaker.

Having assembled the Parliament early in the beginning of the year, for the more timely help and advice of Our people in Our great and important Affairs; and having of late, not only by Message, but also of Our Self, put Our House of Commons in mind of our pressing occasions, and of the present estate of Christendom, *wherein they have equal interest with Us, as well in respect of their own former engagements, as of the common Cause; We shall not need to tell them with what care and patience We have in the midst of Our necessities attended their Resolutions; but because their unseasonable slowness may produce at home as ill effects as a Denial, and hazard the whole Estate of things abroad; We have thought fit by you the Speaker, to let them know, that, without more loss of time, We look for a full and perfect Answer of what they will give for Our Supply, according to Our expectation and*

1 *Caroli.*

and their promiſes; wherein, as we preſs for nothing beyond the preſent ſtate and condition of our Subjects, ſo we accept no leſs than is proportionable to the greatneſs and goodneſs of the Cauſe; neither do we preſs them to a preſent Reſolution in this, with a purpoſe to precipitate their Counſels, much leſs to enter upon their Priviledges, but to ſhew that it is unfit to depend any
A *longer upon uncertainties, whereby the whole weight of the Affairs of* Chriſtendom *may break in upon us upon the ſuddain, to our diſhonor, and the ſhame of this Nation. And for the buſineſs at home, we command you to promiſe them in our Name, that after they have ſatisfied us in this our reaſonable demand, we ſhall not only continue them together at this time, ſo long as the ſeaſon will permit, but call them ſhortly again to perfect thoſe neceſſary buſineſſes which ſhall be now left undone; and now we ſhall willingly apply fit*
B *and ſeaſonable Remedies to ſuch juſt Grievances which they ſhall preſent unto us in a dutiful and mannerly way, without throwing an ill odor upon our preſent Government, or upon the Government of our late bleſſed Father. And if there be yet who deſire to find fault, we ſhall think him the wiſeſt Reprehendor of errors paſt, who, without reflecting backward, can give us counſel how to ſettle the preſent eſtate of things, and to provide for the future ſafety and honor of the Kingdom.*

C The Heads of Sir *Richard Weſton*'s Meſſage, for drawing a more ſpeedy reſolution from the Houſe, beſides that formerly underſtood concerning the King of *Denmark*, Count *Mansfield*, and his Majeſties Army in the *Low-Countreys*, were theſe.

Sir *Richard Weſton*'s Meſſage.

D I. That his Majeſties Fleet being retuzned, and the Victuals ſpent, the men muſt of neceſsity be diſcharged, and their wages paid, oz elſe an aſſured muting will follow, which may be many ways dangerous at this time.

II. That his Majeſty hath made ready about foztp Ships, to be ſet foztb on a ſecond Voyage, to hinder the Enemy, which want only Victuals and ſome men, which, without preſent ſupply of Money, cannot be ſet foztb and kept together.

III. That the Army which is appointed in every Coaſt, muſt preſently be diſbanded, if they be not preſently ſupplyed with Victuals and Cloaths.

E IV. That if the Companies of Ireland, lately ſent thither, be not pzobided foz, inſtead of defending of that Countrey, they will pzobe the Authozs of Rebellion.

V. That the ſeaſon of pzobiding healthful Victuals will be paſt, if this Moneth be neglected.

F And therefoze his Majeſty commandeth me to tell you, that he deſired to know, without further delaying of time, what ſupply you will gibe him foz theſe his pzeſent occaſions, that he may accozdingly frame his Courſe and Counſel.

Which Meſſage produced this Anſwer from the Commons,

An. 1626.

Moſt Gracious Sovereign,

The Commons Anſwer to the King's Meſſage by Sir *Richard Preſton.*

"YOur Majeſty's Dutiful and Loyal Subjects, the Commons now aſ-
"ſembled in Parliament, in all humility, preſent unto your Royal
"wiſdom this their Royal Anſwer to the Meſſage which your Majeſty
"was pleaſed by the Chancellor of our *Exchequer*, to ſend unto them, A
"deſiring to know, without any further deferring of time, what Sup-
"ply they would give to your Majeſty, for your preſent and extraordi-
"nary occaſions, that you might accordingly frame your Courſes and
"Counſels: Firſt of all, they moſt humbly beſeech your Majeſty to
"know and reſt aſſured, That no King was ever dearer to his People
"than your Majeſty; no People more zealous to maintain and ad-
"vance the Honour and Greatneſs of their King, than they; which, as
"upon all occaſions they ſhall be ready to expreſs, ſo eſpecially in the B
"ſupport of that Cauſe, wherein your Majeſty and your Allies are now
"juſtly engaged. And becauſe they cannot doubt, but your Majeſty in
"your great Wiſdom, even out of Juſtice, and according to the example
"of your moſt famous Predeceſſors, will be pleaſed graciouſly to accept
"the faithful and neceſſary Information and Advice of your Parliament,
"which can have no end but the ſervice of your Majeſty, and ſafety of
"your Realm, in diſcovering the Cauſes, and propoſing the Remedies
"of theſe great Evils, which have occaſioned your Majeſties wants, C
"and your Peoples Grief.

"They therefore, in confidence and full aſſurance of Redreſs therein,
"do, with one conſent, propoſe, (though in former time ſuch courſe hath
"been unuſed) that they really intend to aſſiſt and ſupply your Maje-
"ſty in ſuch a way, and in ſo ample a meaſure, as may make you ſafe
"at home, and feared abroad; for the diſpatch whereof they will uſe
"ſuch diligence, as your Majeſties preſſing and preſent occaſions ſhall
"require. D

His Majeſty makes this Reply to the Commons Anſwer.

Mr. Speaker,

The King's Reply.

"THe Anſwer of the Commons delivered by you, I like well of,
"and do take it for a full and ſatisfactory Anſwer, and I thank
"them for it, and I hope you will, with all expedition take a
"courſe for perfomance thereof, the which will turn to your own good E
"as well as mine; but for your Clauſe therein, of preſenting of Grie-
"vances, I take that but for a Parentheſis in your Speech, and not a
"Condition; and yet, for anſwer to that part, I will tell you, I will be
"as willing to hear your Grievances, as my Predeceſſors have been, ſo
"that you will apply your ſelves to *redreſs Grievances*, and not to *enquire*
"*after Grievances*. I muſt let you know, that I will not allow any of my
"Servants to be queſtioned amongſt you, much leſs ſuch as are of emi- F
"nent Place, and near unto me. The old Queſtion was, *What ſhall be done*
"*to the Man whom the King will Honour?* but now it hath been the la-
"bour of ſome, to ſeek what may be done againſt him whom the King
"thinſts fit to honour. I ſee you ſpecially aim at the Duke of *Bucking-*
"*ham*; I wonder what hath ſo altered your affections towards him: I do
"well remember, that in the laſt Parliament in my Father's time, when

"he

1 *Caroli.*

" he was the Inſtrument to break the Treaties, all of you (and yet I can-
" not ſay all, for I know ſome of you are changed, but yet the Houſe of
" Commons is always the ſame) did ſo much honour and reſpect him,
" that all the Honor conferred on him was too little; and what he hath
" done ſince to alter and change your minds, I wot not; but can aſſure
" you, he hath not medled, or done any thing concerning the Publick or
" Common-wealth, but by ſpecial directions and appointment, and as
A " my Servant, and is ſo far from gaining or improving his Eſtate there-
" by, that I verily think he hath rather impaired the ſame. I would you
" would haſten for my Supply, or elſe it will be worſe for your ſelves;
" for, if any ill happen, I think I ſhall be the laſt ſhall feel it.

Afterwards the Commons fell upon the Duke, as the chief cauſe of all publick Miſcarriages. Doctor *Turner*, a Phyſician, propounded in the Houſe theſe Queſtions, which were then commonly called *Queries*, againſt
B the Duke of *Buckingham*, and were grounded upon publick Fame.

Doctor *Turner's* Queries againſt the Duke.

1. *Whether the Duke, being Admiral, be not the Cauſe of the loſs of the King's Royalty in the Narrow Seas?*
2. *Whether the unreaſonable, exorbitant, and immenſe Gifts of Money and Lands beſtowed on the Duke and his Kindred, be not the cauſe of impairing the Kings Revenue, and impoveriſhing the Crown?*
3. *Whether the multiplicity of Offices conferred upon the Duke, and others*
C *depending upon him, (whereof they were not capable) be not the cauſe of the evil Government of this Kingdom?*
4. *Whether Recuſants in general, by a kind of Connivancy, be not born out and increaſed, by reaſon of the Duke's Mother and Father-in-law, being known Papiſts.*
5. *Whether the ſale of Honours, Offices, and Places of Judicature, and Eccleſiaſtical Livings and Promotions, (a ſcandal and hurt to the Kingdom) be not through the Duke?*
D 6. *Whether the Dukes ſtaying at home, being Admiral and General in the Fleet of the Sea and Land-Army, were not the cauſe of the bad ſucceſs and overthrow of that Action; and whether he did give good direction for that Deſign? (All theſe are famed to be ſo.)*

Hereupon two Queſtions were moved in Parliament.

1. *Whether the Six Heads delivered by Doctor* Turner, *to be the cauſe of the Evils that were grounded upon common Fame, be to be debated in Par-*
E *liament?*
2. *Whether an Accuſation upon Common Fame, by a Member of this Houſe, be a Parliamentary-way.*

It was declared by Sir *Tho. Wentworth*, Mr. *Noy*, and other Lawyers in the Debate, That there was a difference between common Fame and Rumour: For the general voice (*Vox populi*) is common Fame: And if common Fame might not be admitted as an Accuſer, Great Men would be the only ſafe Men; for no private perſon dare adventure to
F enquire into their Actions: But the Houſe of Commons is a Houſe of Information and Preſentment, but not a Houſe of Definitive Judgment.

So the Houſe came to this Reſolution, *That Common Fame is a good ground of Proceeding for this Houſe, either by Enquiry, or preſenting the Complaint (if the Houſe finds cauſe) to the King or Lords.*

The

An. 1625.

The Commons the next day proceeding in that Debate, Sir *Richard Weſton* delivered to the Houſe this Meſſage from His Majeſty.

Another Meſſage from the King by Sir *Richard Weſton.*

"THat his Majeſty had taken notice of a ſeditious Speech uttered "in the Houſe by Mr. *Clement Cook*: The words are ſaid to be "to this effect, *That it were better to die by an Enemy than to ſuffer "at home.* Yet his Majeſty, in his wiſdom, hath forborn to take any "courſe therein, or to ſend to the Houſe about it, not doubting but the "Houſe would in due time correct ſuch an Inſolence. But his Majeſty "hath found, that his patience hath wrought to an ill effect, and hath "emboldned one ſince to do a ſtrange act, in a ſtrange way, and unuſual; "that is, Doctor *Turner*, who, on *Saturday* laſt without any ground of "knowledge in himſelf, or proof tendred to the Houſe, made an enqui- "ry of ſundry Articles againſt the Duke of *Buckingham*, as he pretended, "but indeed againſt the Honour and Government of the King and his "late Father. This, his Majeſty ſaith, is ſuch an example, that he can by "no means ſuffer, though it were to make enquiry of the meaneſt of his "Servants, much leſs againſt one ſo near unto himſelf; and doth wonder "at the fooliſh impudency of any man that can think he ſhould be "drawn, out of any end, to offer ſuch a Sacrifice, much unworthy the "greatneſs of a King, and Maſter of ſuch a Servant. And therefore his "Majeſty can no longer uſe his wonted patience, but deſireth the Juſtice "of the Houſe againſt the Delinquents; not doubting but ſuch courſe "will be taken, that he ſhall not be conſtrained to uſe his Regal Autho- "rity to right himſelf againſt theſe two perſons.

Dr. *Turner's* Explanation.

* Upon this Meſſage, Doctor *Turner* made a ſhort Explanation of himſelf, deſiring to know wherewith he was charged: What he ſaid, he ſaid, the Houſe can witneſs; and what he ſaid, he ſpake for the general good of the Common-wealth, and not upon the leaſt reflection of any in particular. This he thought a Parliamentary way, warranted by antient Preſidents. To accuſe upon *Common Fame*, he finds warranted, firſt, by the Imperial Roman Laws, and the Canons of the Church, which allowed Common Fame ſufficient to accuſe any man. And they that are Learned amongſt them, give two reaſons: Firſt, for Greatneſs. Next, for Cunning. Our Anceſtors, within theſe walls, have done the like, and that to a Duke, the Duke of *Suffolk*, in the time of King *H.* 6. who was accuſed upon Fame. And laſtly, (he ſaid) Mr. Chancellor himſelf did preſent the *Common Undertakers* upon particular Fame; and why he ſhould not have as ample priviledge in this place, he knew no reaſon to the contrary.

The Commons having appointed another day for the Debate of this buſineſs, in the mean time came this Letter from Doctor *Turner* to the Speaker.

Dr. *Turner's* Letter to the Speaker.

SIR,

THeſe Lines firſt petition you to ſignifie to the Honourable Houſe of Commons, That my deſires are ſtill the ſame to have made my perſonal appearance before you, but my ability and ſtrength to perform it are not the ſame; and therefore that I humbly deſire them to excuſe me on that part, and to accept of this my Anſwer unto the matter that I ſhall ſpeak to. I do confeſs, that on Saturday *laſt in the afternoon, I did deliver in certain accuſations of common Fame into the Houſe of Parliament againſt my Lord Admiral; & that out of ſo many (all bearing the ſignature of* Vox populi*) I choſe out ſome few*

2 Caroli.

few, not becauſe they were greater, or more Grievances, but becauſe they did ſeem to direct us to find out the Griever, or the firſt Cauſe: For I did think it was then full time to agree the Agent and the Actions, and that it was time alſo to leave conſidering Grievances in Arbitration. I do now alſo agree unto you that which hath been reported unto you by Mr. Wandesford; *and by that, if you ſhall think fit, will put my ſelf unto your Cenſure, hoping and aſſuring my ſelf, that you will find my deſign to include nothing elſe within it, but duty and publick ſervice to my Conntrey; and alſo that my addreſſing thoſe Accuſations to the Houſe of Parliament, ſhall, by you, be found to be done by mannerly and Parliamentary way. But howſever it becomes me to ſubmit my Cauſe to your Wiſdoms and equal Judgments, which I do heartily; and whatſoever you ſhall pleaſe to appoint me, I ſhall dutifully ſatisfiy, when God ſhall be pleaſed to reſtore me able to attend your ſervice. I doubt not but to give you an honeſt account of all my actions herein. And if I ſhall firſt to my Grave, I deſire, if you find me clear, the reputation of an honeſt man, and an Engliſhman, may attend me thereunto. This I reſt.*

Your dutiful and humble Servant,

To the Honourable, Sir *Heneage Finch*, Speaker to the Houſe of Commons.

SAMUEL TURNER.

Sir *W. Walrers.* opinion of the Cauſe of Grievances.

The *Monday* following, Sir *W. Walter* (if the name be not miſ-written in our *Collections*) repreſented to the Houſe, That the Cauſe of all the Grievances, was, for that (according as it was ſaid of *Lewis* the Eleventh, King of *France*) *all the King's Council rides upon one Horſe.* And therefore the Parliament was to adviſe his Majeſty, as *Jethro* did *Moſes*, to take unto him Aſſiſtants with theſe qualities.

1. *Noble*, from among all the People; not Upſtarts, and of a Nights growth.

2. Men of *Courage*; ſuch as will execute their own Places, and not commit them to baſe and undeſerving Deputies.

3. *Fearing God*; who halt not betwixt two opinions, or incline to falſe Worſhip in reſpect of a Mother, Wife, or Father.

4. *Dealing truly*; for Courtſhip, Flattery, and Pretence, become not Kings Counſellors, but they muſt be ſuch as the King and Kingdom may truſt.

5. *Hating Covetouſneſs*; no Bribers, or Sellers of Places in Church or Common-wealth, much leſs Honours and Places about the King, and leaſt of all ſuch as live upon other mens ruines.

6. They ſhould be *many*, ſet over Thouſands, Hundreds, Fifties, and Tens (one Man not ingroſſing all.) Where there is abundance of Counſel, there is Peace and Safety.

7. They muſt judge of *ſmall Matters*; the greater muſt go to the King himſelf, not all to the Council, much leſs any one Counſellor muſt alone manage the whole weight; but Royal Actions muſt be done only by the King.

8. Laſtly, *Moſes* choſe them *Elders*, not Young men. *Solomon*, by miracle and revelation, was wiſe being young; but neither his Son nor his young Counſellors had that priviledge: No more is it expected in any of our Counſellors, until by age and experience they have attained it.

Sir *John Elliot* continued the Debate, and thus ſpake:

We

An. 1626.

Sir *John Eliot* purſues the Argument gainſt the Duke.

"WE have had (ſays he) a repreſentation of great fear, but I hope "that you ſhall not darken our underſtanding. There are but two "things conſiderable in this buſineſs: Firſt, the occaſion of our Meet- "ing: and ſecondly, the preſent State of our Countrey. The firſt "of theſe we all know, and it hath at large been made known unto us, "and therefore needeth no diſpute. The latter of theſe we ought to "make known, and draw and ſhew it, as in a Perſpective in this Houſe: A "For our wills and affections were never more clear, more ready as to "his Majeſty, but perhaps bauk'd and check'd in our forwardneſs, "by thoſe the King intruſts with the Affairs of the Kingdom. The "laſt Action, was the King's firſt Action; and the firſt Actions and De- "ſigns of Kings are of great obſervance in the eye of the World; for "therein much dependeth the eſteem, or diſeſteem of their future pro- "ceedings: And in this Action the King and Kingdom have ſuffered "much diſhonour; we are weakned in our ſtrength and ſafety, and many B "of our Men and Ships are loſt. This great deſign was fixed on the Per- "ſon of the Lord-General, who had the whole Command both by Sea "and Land: And can this great General think it ſufficient to put in "his Deputy, and ſtay at home? Count *Mansfield's* Actions were ſo mi- "ſerable, and the going out of thoſe men ſo ill-managed, as we are ſcarce "able to ſay they went out. That handful of Men ſent to the *Palatinate*, "and not ſeconded, what a loſs was it to all *Germany*? We know well "who had then the King's ear. I could ſpeak of the Action of *Algier*, but C "I will not look ſo far backward. Are not Honours now ſold, and made "deſpicable? Are not Judicial Places ſold? and do not they then ſell "Juſtice again? *Vendere jure poteſt, emerat ille prius. Tully*, in an Orati- "on againſt *Verres*, notes, That the Nations were Suitors to the Senate of "*Rome*, that the Law, *De pecuniis repetundis*, might be recalled: Which "ſeems ſtrange, that thoſe that were ſuitors for the Law, ſhould ſeek "again to repeal it; but the reaſon was, It was perverted to their ill. "So it is now with us; beſides inferior and ſubordinate perſons that D "muſt have Gratuities, they muſt now feed their great Patrons.

"I ſhall to our preſent caſe cite two Preſidents. The firſt is 16 H. 3. "the Treaſure was then much exhauſted, many diſorders complained "on, the King wronged by ſome Miniſters; many Subſidies were then "demanded in Parliament, but they were denied: And then the Lords "and Commons joyned to deſire the King, to re-aſſume the Lands which "were improvidently granted, and to examine his great Officers, and the "Cauſes of thoſe Evils which the People then ſuffered. This was yielded E "unto by the King, and *Hugo de Bourgo* was found faulty, and was diſ- "placed; and then the Commons in the ſame Parliament, gave Supply. "The ſecond Preſident was in the tenth year of *Richard* the Second: "Then the times were ſuch, and Places ſo changeable, that any great "Officer could hardly ſit to be warmed in his Place: Then alſo Moneys "had been formerly given, and Supply was at that Parliament required; "the Commons denied Supply, and complained, that their Moneys "were miſ-employed; That the Earl of *Suffolk* then over-ruled all; and F "ſo their Anſwer was, *They could not give*: And they petitioned the "King, that a Commiſſion might be granted, and that the Earl of *Suffolk* "might be examined. A Commiſſion at their requeſt, was awarded, and "that Commiſſion recites all the Evil then complained of; and that the "King, upon the Petition of the Lords and Commons, had granted that

"Exami-

2 Caroli.

"Examination ſhould be taken of the Crown-Lands which were ſold, of "the ordering of his Houſhold, and the Diſpoſition of the Jewels of his "Grandfather and Father. I hear nothing ſaid in this Houſe of our Jew-"els, nor will I ſpeak of them; but I could wiſh they were within theſe "Walls. We are now in the ſame caſe with thoſe former times; we ſuf-"fer alike, or worſe: And therefore unleſs we ſeek redreſs of theſe great "Evils, we ſhall find diſability in the wills of the People to grant. I
A "wiſh therefore, that we may hold a dutiful purſuance in preparing and "preſenting our Grievances. For the Three Subſidies and Three Fif-"teens which are propoſed, I hold the proportion will not ſuit with "what we would give; but yet I know it is all we are able to do, or "can give; and yet this is not to be the ſtint of our affections, but to "come again, to give more upon juſt occaſions.

Three Subſidies and Three Fifteens Voted.

B In the heat of theſe Agitations, the Commons notwithſtanding remembred the Kings Neceſſities, and took the matter of Supply into conſideration, and Voted Three Subſidies and Three Fifteens to be paid the laſt day of *June* and the laſt of *October* next following; and that the Act be brought in as ſoon as grievances are preſented to, and anſwered by the King. And the Commons the ſame day reſumed the Debate again concerning the Duke, and miſ-government and miſ-employment of the Revenue, *&c.* Ordered the Duke to have notice thereof.

Debate concerning the Duke reſum'd

C The next day the King ſent a Meſſage to the Houſe of Commons, That they do to morrow at Nine of the Clock attend his Majeſty in the Hall at *White-Hall*, (and in the mean time all proceedings in the Houſe and Committee to ceaſe.) Where his Majeſty made this enſuing Speech.

My Lords and Gentlemen,

The King's Speech, *March* 29.

D "I Have called you hither to day, I mean both Houſes of Parliament; "but it is for ſeveral and diſtinct reaſons: *My Lords*, you of the Up-"per Houſe, to give you thanks for the care of the State of the King-"don now; and not only for the care of your own Proceedings, but "inciting your Fellow-Houſe of the Commons to take that into their "conſideration. Therefore (my Lords) I muſt not only give you thanks, "but I muſt alſo avow, That if this Parliament do not redound to the "good of this Kingdom, (which I pray God it may) it is not your faults. "And you, Gentlemen of the Houſe of Commons, I am ſorry that I may
E "not juſtly give the ſame thanks to you; but that I muſt tell you, that I "am come here to ſhew you your errors, and, as I may call it, Unparlia-"mentary proceedings in this Parliament. But I do not deſpair, becauſe "you ſhall ſee your faults ſo clearly by the Lord Keeper, that you may "ſo amend your proceeding, that this Parliament ſhall end comforta-"bly, though at the beginning it hath had ſome rubs.

Then the Lord Keeper, by the King's command, ſpake next.

The Lord Keeper's Speech.

F "MY Lords, and you the Knights, Citizens, and Burgeſſes of the "Houſe of Commons: You are here aſſembled by his Majeſty's "commandment, to receive a Declaration of his Royal pleaſure; which "although it be intended only to the Houſe of Commons, yet his Majeſty "hath thought meet, the matter being of great weight and importance,

An. 1626. "it ſhould be delivered in the preſence of both Houſes, and both "Houſes make one General Council: And his Majeſty is willing that "the Lords ſhould be Witneſſes of the Honour and Juſtice of his Re- "ſolutions: And therefore the Errand which, by his Majeſty's direc- "on, I muſt deliver, hath relation to the Houſe of Commons. I muſt "addreſs my ſelf therefore to you Mr. *Speaker*, and the reſt of that "Houſe.

"And firſt, his Majeſty would have you to underſtand, That there A "was never any King more loving to his People, or better affectioned "to the right uſe of Parliaments, than his Majeſty hath approved him- "ſelf to be, not only by his long patience ſince the ſitting down of this "Parliament, but by thoſe mild and calm Directions which from time "to time that Houſe hath received by Meſſage and Letter, and from "his Royal mouth; when the irregular humours of ſome particular per- "ſons wrought diverſions and diſtractions there, to the diſturbance of "thoſe great and weighty Affairs, which the Neceſſity of the Times, the B "honour and ſafety of the King and Kingdom, called upon. And there- "fore his Majeſty doth aſſure you, that when theſe great Affairs are ſet- "led, and that his Majeſty hath received ſatisfaction of his reaſonable De- "mands, he will, as a juſt King, hear and anſwer your juſt grievances, "which, in a dutiful way, ſhall be preſented unto him; and this his Ma- "jeſty doth avow.

"Next, his Majeſty would have you know of a ſurety, That as ne- C "ver any King was more loving to his people, nor better affectioned to "the right uſe of Parliaments; ſo never King more jealous of his Honour, "nor more ſenſible of the neglect and contempt of his Royal Rights, "which his Majeſty will by no means ſuffer to be violated by any pre- "tended colour of Parliamentary Liberty; wherein his Majeſty doth "not forget, that the Parliament is his Council, and therefore ought to "have the liberty of a Council; but his Majeſty underſtands the diffe- "rence betwixt Council and Controlling, and between Liberty and the "abuſe of Liberty. D

"This being ſet down in general, his Majeſty hath commanded me "to relate ſome particular paſſages and proceedings, whereat he finds "himſelf agrieved.

"Firſt, Whereas a ſeditious Speech was uttered amongſt you by "Mr. *Cook*, the Houſe did not, as they ought to do, cenſure and correct "him. And when his Majeſty, underſtanding it, did, by a Meſſage by "Mr. Chancellor of the *Exchequer*, delivered to the Houſe, require Juſtice "of you, his Majeſty hath ſince found nothing but protracting and de- E "lays. This his Majeſty holds not agreeable to the wiſdom and the duty "which he expected from the Houſe of Commons.

"Secondly, Whereas Doctor *Turner*, in a ſtrange Unparliamentary "way, without any ground of knowledge in himſelf, or offering any par- "ticular proof of the Houſe, did take upon him to adviſe the Houſe to "enquire upon ſundry Articles againſt the Duke of *Buckingham*, as he "pretended, but in truth to wound the Honour and Government of his F "Majeſty, and of his renowned Father; and his Majeſty, firſt, by a "Meſſage, and after by his own Royal mouth, did declare, That that "courſe of Enquiry was an Example, which by no way he could ſuffer, "though it were againſt his meaneſt Servant, much leſs againſt one ſo "near him; and that his Majeſty did much wonder at the fooliſh in- "ſolency of any man that can think, that his Majeſty ſhould be drawn

"out

2 *Caroli.*

"out of any end to offer ſuch a Sacrifice ſo unworthy of a King, or "a good Maſter; yet for all this you have been ſo far from correct- "ing the inſolence of *Turner*, that ever ſince that time, your Commit- "tees have walked in the ſteps of *Turner*, and proceeded in an Un- "parliamentary Inquiſition, running upon Generals, and repeating that "whereof you have made Fame the ground-work. Here his Majeſty A "hath cauſe to be exceeding ſenſible, that upen every particular, he "finds the Honour of his Father ſtain'd and blemiſh'd, and his own no "leſs; and withal you have manifeſted a great forwardneſs rather to "pluck out of his boſom thoſe who are near about him, and whom his "Majeſty hath cauſe to effect, than to truſt his Majeſty with the future "reformation of theſe things which you ſeem to aim at: and yet you "cannot deny, but his Majſty hath wrought a greater reformati- "on in matters of Religion, execution of the Laws, and concerning B "things of great importance, than the ſhortneſs of his Reign (in which "he hath been hindred, partly through ſickneſs, and the diſtraction of "things, which we could have wiſhed had been otherwiſe) could "produce.

"Concerning the Duke of *Buckingham*, his Majeſty hath commanded "me to tell you, That himſelf doth better know than any man living "the ſincerity of the Duke's proceedings; with what cautions of weight "and diſcretion he hath been guided in his publick Imployments from C "his Majeſty and his bleſſed Father; what Enemies he hath procured at "home and abroad; what peril of his Perſon, and hazard of his Eſtate he "ran into for the ſervice of his Majeſty, and his ever bleſſed Father; "and how forward he hath been in the ſervice of this Houſe many times "ſince his return from *Spain*. And therefore his Majeſty cannot believe, "that the aim is at the Duke of *Buckingham*, but findeth, that theſe Pro- "ceedings do directly wound the Honour and Judgment of himſelf, and "of his Father. It is therefore his Majeſties expreſs and final command- D "ment, That you yield obedience unto thoſe Directions which you "have formerly received, and ceaſe this Unparliamentary Inquiſition, "and commit unto his Majeſties care, and wiſdom, and juſtice, the futute "reformation of theſe things which you ſuppoſe to be otherwiſe than "they ſhould be: And his Majeſty is reſolved, that before the end of "this Seſſion, he will ſet ſuch a courſe, both for the amending of any "thing that may be found amiſs, and for the ſetling of his own "Eſtate, as he doubteth not but will give you ample ſatisfaction and E "comfort.

"Next to this, his Majeſty takes notice, That you have ſuffered "the greateſt Council of State to be cenſured and traduced in the "Houſe, by men, whoſe Years and Education cannot attain to that "depth: That Foreign buſineſſes have been entertained in the Houſe, "to the hindrance and diſadvantage of his Majeſty's Negotiations: "That the ſame Year, yea, the firſt Day of his Majeſty's Inauguration, "you ſuffered his Council, Government, and Servants to be parallel'd F "with the times of moſt Exception: That your Committees have pre- "ſumed to examine the Letters of Secretaries of State, nay, his own; "and ſent a general Warrant to his Signet-Office, and commanded his "Officers, not only to produce and ſhew the Records, but their "Books and private Notes, which they made for his Majeſty's ſer- "vice. This his Majeſty holds as unſufferable, as it was in former "times unuſual.

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"Next I am to ſpeak concerning your Supply of Three Subſidies "and Three Fifteens, which you have agreed to tender to his Majeſty. "You have been made acquainted with the greatneſs of his affairs, both "at home and abroad, with the ſtrong preparation of the Enemy, with "importance of upholding his Allies, ſtrengthning and ſecuring both "*England* and *Ireland*; beſides the encountring and annoying the Ene- "my by a powerful Fleet at Sea, and the charge of all: This having been "calculated unto you, you have profeſſed unto his Majeſty, by the mouth A "of your Speaker, your carefulneſs to ſupport the cauſe wherein his Ma- "jeſty and his Allies are juſtly engaged; your unanimons conſent and "real intention to ſupply his Majeſty in ſuch a meaſure, as ſhould make "him ſafe at home, and feared abroad; and that in the diſpatch hereof, "you would uſe ſuch diligence, as his Majeſty's preſſing and preſent oc- "caſions did require.

"And now his Majeſty having erected a proceeding ſuitable to this "engagement, he doth obſerve, that in two days only of twelve, this B "buſineſs was thought of, and not begun, till his Majeſty, by a Meſſage, "put you in mind of it, whilſt your inquiſition, againſt his Majeſty's di- "rection, proceeded day by day.

"And for the meaſure of this ſupply, his Majeſty findeth it ſo far from "making himſelf ſafe at home, and feared abroad, as contrariwiſe it "expoſeth him both to danger and diſ-eſteem; for his Majeſty cannot "expect, without better help, but that his Allies muſt preſently disband, "and leave him alone to bear the fury of a provoked and powerful Ene- C "my: ſo as both he and you ſhall be unſafe at home, and aſhamed and "deſpiſed abroad. And for the manner of the Supply, it is in it ſelf very "diſhonourable, and full of diſtruſt; for although you have avoided the "literal word of a Condition, whereof his Majeſty himſelf did warn "you, when he told you of your Parentheſis; yet you have put to it "the effect of a Condition, ſince the Bill is not come into your Houſe, "until your Grievances be both preferred and anſwered. No ſuch thing "was in that expreſſion and engagement delivered by your Speaker, D "from which his Majeſty holdeth, that you have receded both in mat- "ter and manner, to his great diſadvantage and diſhonour. And there- "fore his Majeſty commandeth, that you go together, and by *Saturday* "next return your final Anſwer, what further Supply you will add to "this you have already agreed on, and that to be without Condition, "either directly or indirectly, for the ſupply of theſe great and impor- "tant Affairs of his Majeſty; which, for the reaſons formerly made "known unto you, can endure no longer delay; and if you ſhall not by E "that time reſolve on a more ample Supply, his Majeſty cannot expect "a Supply this way, nor promiſe you to ſit longer together; otherwiſe, "if you do it, his Majeſty is well content, that you ſhall ſit ſo long, as "the ſeaſon of the year will permit; and doth aſſure you, that the "preſent Addition to your Supply to ſet forward the work, ſhall be no "hindrance to your ſpeedy acceſs again.

"His Majeſty hath commanded me to add this, That therein he "doth expect your chearful obedience, which will put a happy iſſue to F "this Meeting, and will enable his Majeſty, not only to a Defenſive "War, but to imploy his Subjects in Foreign Actions, whereby will be "added to them both Experience, Safety, and Honour.

"Laſt of all, his Majeſty hath commanded me, in explanation of the "gracious goodneſs of his Royal intention, to ſay unto you, That he

"doth

2 *Caroli.*

"doth well know, that there are among you many wiſe and well tem-
"pered men, well affected to the Publick and to his Majeſty's ſervice;
"and that thoſe that are willingly faulty, are not many: and for the
"reſt, his Majeſty doubteth not, but after his gracious admonition, they
"will, in due time, obſerve and follow the better ſort; which if they
"ſhall do, his Majeſty is moſt ready to forget whatſoever is paſt.

A Then his Majeſty ſpake again,

The King proceeds.

"I muſt withall put you in mind a little of times paſt; you may re-
"member, that in the time of my bleſſed Father, you did with your coun-
"ſel and perſwaſion perſwade both my Father and me to break off the
"Treaties; I confeſs I was your Inſtrument for two reaſons; one was,
"the fitneſs of the time; the other, becauſe I was ſeconded by ſo great
"and worthy a Body, as the whole Body of Parliament: Then there was
B "no body in ſo great favour with you, as this Man whom you ſeem now
"to touch, but indeed, my Father's Government and mine. Now that
"you have all things according to your wiſhes, and that I am ſo far in-
"gaged, that you think there is no retreat; now you begin to ſet the
"Dice, and make your own Game: But I pray you be not deceived, it
"is not a Parliamentary way, nor it is not a way to deal with a King.

"Mr. *Cook* told you, *It was better to be eaten up by a Foreign Enemy,*
"*than to be deſtroyed at home.* Indeed I think it more honour for a King
C "to be invaded, and almoſt deſtroyed by a Foreign Enemy, than to be
"deſpiſed by his own Subjects.

"Remember, that Parliaments are altogether in my power for their
"Calling, Sitting, and Diſſolution; therefore as I find the fruits of them
"good or evil, they are to continue, or not to be: And remember, that if
"in this time, in ſtead of mending your Errors, by delay you perſiſt in
"your Errors, you make them greater, and irreconcileable: Whereas on
"the other ſide, if you do go on chearfully to mend them, and look to
D "the diſtreſſed ſtate of *Chriſtendom*, and the affairs of the Kingdom, as it
"lieth now by this great Engagement; you will do your ſelves honour,
"you ſhall encourage me to go on with Parliaments, and, I hope, all
"*Chriſtendom* ſhall feel the good of it.

The Commons upon the Debate of what fell from his Majeſty and the Lord Keeper, turned the Houſe into a Grand Committee, ordered the Doors to be locked, and no Member to go forth; and that all Proceedings in all other Committees ſhall ceaſe, till the Houſe come to a
E Reſolution in this buſineſs.

His Majeſty being informed, that ſome things in his own Speeches, and the Lord Keepers Declaration, were ſubject to miſunderſtanding, commanded the Duke to explain them, at a Conference of both Houſes in the Painted-Chamber, held for that purpoſe.

The Duke, at a Conference, explains the King's late Speech, and the Lord Keeper's Declaration.

F "WHereas it is objected by ſome, who wiſh good correſpon-
"dency betwixt the King and People, that to prefix a day
"to give or to break, was an unuſual thing, and might ex-
"preſs an inclination in the King to break; to remove this, as his Maje-
"ſty was free from ſuch thoughts, he hath deſcended to make this Ex-
"planation.

"That

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"That as his Majeſty would not have you condition with him direct-
"ly or indirectly, ſo he will not lie to a day, for giving further Supply;
"but it was the preſſing occaſion of Chriſtendom that made him to
"pitch upon a day.

"His Majeſty hath here a Servant of the King of *Denmark*, and an-
"other from the Duke of *Weymer*, and yeſterday received a Letter from
"his Siſter the Queen of *Bohemia*; who ſignified, that the King of *Den-*
"*mark* hath ſent an Ambaſſador, with power to perfect the Contract A
"which was made at the *Hague*; ſo it was not the King, but time, and
"the things themſelves that preſſed a time.

"Therefore his Majeſty is pleaſed to give longer time, hoping you
"will not give him cauſe to put you in mind of it again; ſo that you
"have a greater Latitude, if the buſineſs require to think further of it.

"I am commanded further to tell you, that if his Majeſty ſhould ac-
"cept of a leſs ſum than will ſuffice, it will deceive your expectations, diſ-
"appoint his Allies, and conſume the Treaſure of the Kingdom: where- B
"as if you give largely now, the buſineſs being at the Criſis, it comes ſo
"ſeaſonably, it may give a Turn to the Affairs of *Chriſtendom*.

"But while we delay and ſuffer the time to paſs, others abroad will
"take advantage of it, as the King of *Spain* hath done, by concluding a
"Peace, as 'tis thought in *Italy*, for the *Valtoline*, whereby our work is
"become the greater, becauſe there can be no diverſion that way.

"As it was a good rule to fear all things and nothing, and to be libe- C
"ral was ſometimes to be thrifty; ſo in this particular, if you give
"largely, you ſhall carry the War to the Enemy's door, and keep that
"Peace at home that hath been: Whereas, on the contrary, if you draw
"the War at home, it brings with it nothing but diſturbance and fear, all
"courſes of Juſtice ſtopt, and each man's Revenue leſſened, and nothing
"that can be profitable.

"Another Explanation I am commanded to make, touching the
"grievances; wherein his Majeſty means no way to interrupt your Pro- D
"ceedings, but hopes you will proceed in the ancient ways of your
"Predeceſſors; and not ſo much ſeek faults, as the means to redreſs
"them.

"I am further commanded to tell you, That his Majeſty intends to
"elect a Committee of both Houſes, whom he will truſt, to take the view
"of his Eſtate, the defects of which are not fit for the eyes of a mul-
"titude; and this Committee will be for your eaſe, and may ſatisfie you,
"without caſting any ill odour on his Government, or laying open any
"weakneſs that may bring ſhame upon us abroad. That which is pro- E
"poſed is ſo little, that when the payment comes, it will bring him to
"a worſe eſtate than now he is in; therefore wiſhes you to inlarge it,
"but leaves the Augmentation to your ſelves; but is ſorry, and touch'd
"in conſcience, that the burthen ſhould lie on the pooreſt, who want
"too much already; yet he will not preſcribe, but wiſh, that you, who
"were the Abettors and Counſellors of this War, would take a greater
"part of the burthen to your ſelves; and any man that can find out F
"that way, ſhall ſhew himſelf beſt affected, and do the beſt ſervice to
"the King and State.

The Duke then made his Addreſs to them in his own behalf.

My

2 *Caroli.*

The Duke renders an account of his Negotiation in the *Low-Countreys.*

My Lords and Gentlemen,

"YOu were all witneſſes yeſterday how good and gracious a Ma-
"ſter I ſerve; and I ſhall likewiſe be glad that you be witneſſes
A "how thankful a heart I have.

"And I proteſt I have a heart as full of zeal to ſerve my Maſter, as "any man; and it hath been my ſtudy to keep a good correſpondency "betwixt the King and his People: and what ever thought hath been "entertained of me, I ſhall not alien my heart from that intention, but "ſhall add ſpurs to my endeavours and actions, to vindicate my ſelf from "ill opinion.

B "And however I lie under the burden of the ſame, it lies in your "hands to make me happy or not; and, for my part, I wiſh my heart and "actions were known to you all; then I aſſure my ſelf, you would re-"ſume me to your good opinions.

"When I had, with ſome hazard, waited on my Maſter into *Spain*, it "is well known what teſtimony I gave of my Religion; and no man "that comes to a true and near view of my action, can juſtly charge me.
"Let me be excuſed, if I give account of this particular, when I ſhould
C "ſpeak of the general; for this goes near my heart, and to diſſemble with "my Conſcience, no ends of Fortunes in the world can make me do it:
"For if I had any ill inclination, I had ſuch offers made to me in *Spain*,
"as might have tempted me.

"If I would have been converted my ſelf, I might have had the *In-*
"*fanta* to put in my Maſter's Bed; and if my diſcontent ſhould have
"riſen here, I might have had an Army to have come with me: But I
"thought the offer fooliſh, ridiculous, and ſcornful, in that point of
D "Religion.

"I will now take the boldneſs to ſpeak a little in the general buſi-
"neſs; and I call it boldneſs to ſpeak after one, who did ſo well the other
"day: But I had rather ſuffer in my own particular, than not refreſh
"your memories with that which is materially needful.

"I ſhall not need to reflect ſo far back as to the beginning of thoſe
"Counſels which engaged my Maſter into the War, they are well
"known, only I will ſo far touch it, as to ſay, That the laſt years pre-
E "parations were not Voluntary, or out of Wantonneſs, but out of Ne-
"ceſſity.

"My Maſter had good intelligence, that the King of *Spain*'s eye was
"malitiouſly bent this way, which had been purſued accordingly, if
"the employment of the Low-countrey-men to the Bay of *Todos los*
"*Santos* had not diverted it.

Now for the counſel which was uſed for ſending out the Fleets, I
"will refer you to the relation of the Lord *Conway*, who, as well in this
"as other Reſolutions, can tell you, that nothing was carried with
F "ſingle Counſels: And for my ſelf, I know, that in all thoſe Actions, no
"man can ſtand up againſt me, to ſay, that I ever did go with ſingle
"Counſels, or made breach of any; but have been an obedient Servant
"and Miniſter unto their Reſolutions: The proof whereof will appear
"in a Journal thereof, which my Lord *Conway* keeps.

"I confeſs, all Counſels were not ever as your ſelves would, nor have
"wiſhed they ſhould; if you had known them as my Maſter did,

"in

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"in whom the former affairs of State had bred ſuch affections, that the "buſineſs being altered, they were not to be truſted with the Charge.

"I will now give you an account of all my Negotiations, ſince my be- "ing at *Oxford*, both at home and abroad; and becauſe there it was "charged, that thoſe things were carried with ſingle Counſels, I was "more careful to adviſe the King to have his Council with him in the "Countrey, being to enter into War with an active King.

"And for my part, I did diligently wait on the Council, left all Re- A "creations, all Perſonal occaſions, ſtudying to ſerve my Maſter, and to "gain the good opinion of both Houſes. The Council of *Woodſtock* ge- "nerally adviſed the going out of the Fleet. And though it were ob- "jected, that the Seaſon were not fit, yet the Action ſhewed the contra- "ry, for they all arrived in ſafety. And for what was alſo objected, that "the Proviſion was not good, experience tells you the contrary; for the "preparations were all good in quality and proportion.

"And if the ſucceſs were not ſuch as any honeſt man could wiſh, I B "hope I ſhall not be blamed, being not there in perſon, though I made "the greateſt ſuit for it to my Maſter, that ever I did for any thing: But "his Majeſty thought my ſervice more uſeful in the *Low-Countreys*, to "comfort his Siſter, and to treat with the Kings of *Denmark*, *Sweden* "and the States.

"And though the ſucceſs (as I ſaid) of the Fleet, were not anſwer- "able to the deſires of honeſt men, yet it had theſe good effects; Firſt, it "put our Enemy to great charge in fortifying his Coaſts. Secondly, they C "took ſo many Ships, as cauſed many of his Merchants to break, whereby "the Army in *Flanders* ſuffered much: And laſtly, they could carry no "Treaſure out to pay their Forces in *Flanders*.

"And for Omiſſions of what more might have been done, I leave "that to its proper place and time, and let every man bear his own bur- "den.

"From *Oxford*, the Council went to *Southampton*, where the States "Ambaſſadors did wait often on the King and Council, and a League D "Offenſive and Defenſive betwixt us and them was thought fit to be re- "ſolved on, whereof ſome reaſons I will expreſs, but not all. Firſt, "they are of our own Religion. Secondly, they are our Neighbours, "for ſituation ſo uſeful, as when they are in diſtreſs, it is policy in us to "give them relief; therefore the King thought fit to do it in ſuch man- "ner, as might lay an Obligation on them; which if it had not been "done, they had been preſſed with a long War, and ſuch a Faction among "themſelves, as if the King had not joyned, and, in a manner, appeared E "their Protector, they had broke among themſelves. And in this the "King's care was not only of them, but of all Chriſtendom, and of his "own particular.

"For, as before he only aſſiſted them, his Majeſty's care now uſed "Arguments to draw them to Contribution; ſo that they bear the "Fourth part of the Charge of the War at Sea, according to ſuch Condi- "tions, as by the Lord Chamberlain you have heard.

"This League being perfected between the States and us, his Majeſty, F "by advice of his Council, thought fit to ſend me to get ſuch a League "with the other Princes as I could: The Rendezvous was in the *Low-* "*Countreys*, being in a manner the Centre for repair for *England*, *France*, "and *Germany*; I had Latitude of Commiſſion to make the League "with moſt advantage I could.

"Now

2 Caroli.

"Now I had discovered from Monsieur *B.* the French Ambassador
"here that a League Offensive and Defensive would be refused; and
"I found the King of *Denmark* shie, and loath to enter into such a League
"against the King of *Spain*; and so partly out of Necessity, and partly
"out of reason of State, I was forced to conclude the League in general
"terms for the restoring the liberty of *Germany* without naming the
"King of *Spain*, or the Emperor, that other Princes might come in; and
A "this to continue till every one had satisfaction, and nothing to be treat-
"ed of, debated, or concluded on, but by consent of all parties. It
"did appear, that the Charge was so great, that the Kingdom could not
"endure it; and therefore I endeavoured in the Low-Countreys to les-
"sen it, and so the Sea charge was helped, and the Land assistance given
"unto them, is to cease six moneths hence, which the Lord *Conway* said
"was to end in *September* next.

"Also by this Treaty it is conditioned with the King of *Denmark*,
B "That when my Master shall by Diversion equal to this Contribution
"with his own Subjects, enter into Action, then his Charge to cease:
"Or if the King of *France* may be drawn in, of which there is great
"hope (though he hath now made peace in *Italy*) for that the Poli-
"cy of *France* may not give way unto the greatness of the House of
"*Austria*, and ambition of *Spain*, whose Dominions do grasp him in on
"every side. And if the business be well carried, his engagement to
"the King of *Denmark* may draw him in; so there is great possibility
C "of easing our Charge.

"But all is in the discreet taking of the time; for if not, we may
"think the King of *Denmark* will take hold of those fair Conditions
"which are each day offered him; and then the Enemies Army will fall
"upon the River of *Elve*, and (the Lord *Conway* added) upon *East Friez-*
"*land*, from whence they would make such progress, as (in my poor
"experience) would ruine the Low-Countrys.

"And thus I think I have satisfied all of you, or at least given an ac-
D "count of my Negotiation in the Low-Countryes, with the King of
"*Denmark*, *Sweden*, and the rest.

"I should be glad before I end, to say somewhat of my self, but I shall
"request your favorable construction, for I have been too long alrea-
"dy; but I fear I shall offend, and therefore I will restrain my self to
"generals.

"If in any of these imployments, my Errors may be shewed me, I shall
"take him for my best friend that will manifest them in particular. I
E "have bent all my thoughts on nothing but my Masters Honor, the Ser-
"vice of the State, and safety of them both. I never had any end of
"mine own, and that may be perceived and proved by the expence of
"mine own estate. I am ashamed to speak it, and it would become an-
"other Man's tongue better then mine own.

"My Journey into *Spain*, was all at my own charge; my Journey in-
"to *France*, was at my Masters charge; my Journey into the Low-
"Countreys was all at my own charge.

F "I am accused by common Fame, to be the cause of the loss of the
"Narrow Seas, and the damage there sustained. That I can say, is this,
"since the War begun with *Spain*, I have always had Twelve Ships on
"the Coasts, and allowance but for Four, the rest my own care supplied.
"And for the Office of Admiral, when I came first to it, I found the Na-
"vy weak, not neglected by my Noble Predecessor (for I cannot speak

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"of him, but with honor; and I ſhall deſire to go to my Grave with the "honor he carried hence) but the not paying of moneys in time, there "were ſuch defects his care could not prevent; that if the War had "then broken out, there would have been found few Ships, and thoſe "unſerviceable. I was firſt perſwaded to take this Office by perſwaſion "of Sir *Robert Manſel*, and though I objected I was young, and unexpe- "rienced, yet he ſaid that by my favor with my Maſter, I might do more "good in procuring payment for that charge; And becauſe I was A "young and unexperienced, I took advice, as I do in all things, and am "not aſhamed of it. I deſired my Maſter to grant a Commiſſion as it "were over me. I have found a great Debt, the Ships defective, and "few in number, the yearly charge of Fifty four thouſand pounds, "which was brought to Thirty thouſand pounds *per annum*, we built "every year two Ships, and when ſo many were built as were requiſite, "we brought in Two and twenty thouſand pounds *per annum*, which "comes not to my hands, but goes into its proper ſtreams, and iſſues B "from the Officers to that purpoſe deputed.

"Now if any can ſhew me a project, how to maintain a War againſt "*Spain*, *Flanders*, and the Turkiſh Pirats with leſs charge, he will do a "great work and good ſervice: I have had ſometimes Twenty, ſome- "times Thirty Ships, though ſometime diſaſtered by Tempeſt, which "diſperſt the *Hollanders* Ships, and cauſed them to cut their Maſts, and "forſake Anchors.

"There are now Twelve Ships victualled for two months; and C "though many Reports have been, that they do not do their duty, yet "I have advertiſed them thereof from time to time, and find no ſuch "fault in them.

"There are Thirty Ships more at *Plimouth*, victualled for ſix Months, "and ten more ready, ſo ſoon as they may be victualled: I have been ſo "frugal of making uſe of the old remain, that there is no need of Am- "munition, or other neceſſaries.

"Beſides all theſe, there are Twenty Ships to come from the Low- D "Countreys; ſo you have Twelve, Twenty, Thirty, and Ten more, "which I think you have not heard of.

"And therefore if any have blamed me, I do not blame him, but think "he hath done well, but when you know the truth, and when all this "ſhall appear, I hope I ſhall ſtand right in your opinions.

"*Gentlemen*, It is no time to pick quarrels one with another; we eave enemies enough already, and therefore more neceſſary to be well united at home. E

"Follow not Examples, at leaſt not ill examples of *Gondomar*, and "*Ynojoſa*, who would have had my head, when you thought me worthy "of a ſalute. Now though I confeſs there may be ſome errors, I will "not juſtifie my ſelf; yet they are not ſuch groſs defects, as the World "would make them appear. I deſire they may be admitted *Cum Nota*.

"They are no Errors of wilfulneſs, nor of Corruption, nor oppreſſing "of the People, nor Injuſtice, but contrary; and then may I ſay, For F "what good done by me do I ſuffer?

"And now I might Anſwer more particulars, but I have been long, "and ſo will forbear; and will conclude, if your Supply anſwer not "your promiſes and engagements to my Maſter; you will make this "place which hath been in Peace when others were in War, the ſeat of "War when others are in Peace.

"Now

1 Caroli.

" Now Gentlemen, you that were antient Parliament-men when this
" Council was first given, strive to make good your own Engagement,
" for the honour of your King, and your own safety. Let Religion, in
" which I would be glad to be more watchfull and industrious than any,
" unite your hearts both at home and abroad; and you that are young
" men, may in these active times gain honor and reputation, which is
" almost sunk, and gain the Antient Glory of your Predecessors: and
A " remember it is for restoring to her Inheritance, the most virtuous La-
" dy I think in the World.
" I have nothing more, but to intreat your charitable opinion of
" me and my actions.

For the further vindicating of the Duke, the Lord *Conway* stood up and said,

The Lord *Conway* vindicates the Duke

B " THat whereas divers jealousies have been raised in the House, that
" the Moneys have been expended unusefully and without Coun-
" cil; himself who was the only Secretary, and had the hand in guiding
" the business, could best give an account of it.
" When King *James* of Glorious Memory, at the request of both
" Houses had broken both the Treaties, he considered how to maintain
" the War: for he saw that the King of *Spain* was awaked, and that the
" *Palatinate* must be got by the Sword, and that *Spain* would oppose it
C " with all the power they could; and computing the charges, found the
" Subsidies granted too short; for that it could not be done without an
" Army of five and twenty thousand Foot, and Five thousand Horse,
" which would amount to Six hundred thousand pounds for the Armies
" yearly, and Three hundred thousand pounds for the Navy; but, finding
" all his means short, and as the Proverb is, *Not knowing of what wood to*
" *make his Arrows to hit the mark withal*, Count *Mansfield* stirred up by his
" own judgment, came over and made overture, That for twenty thou-
D " sand pounds a moneth he would raise an Army of Thirty thousand
" men, and draw in the *French* King, *Denmark*, *Sweden*, *Venice*, *Savoy*, the
" Cantons of the *Switzers*, perhaps and some other *German* Princes, and
" raise a War in *Alsatia*, of great consequence to make a Diversion.
" Now about this time the Council of *Austria* resolved to call a Dyet
" and exclude the Count *Palatine*, and put in a Popish Elector; and
" for that end offered a general Peace in *Germany*, and so left not a cre-
" vice to look into for assistance; but if any of them should aid the
E " Count *Palatine*, he should be out of the Peace.
" The King accepts *Mansfields* offer, conditionally that he drew in
" the French King: So *Mansfield* went over into *France*, and the King
" by advice of his Council sent Ambassadors into *France*, *Denmark*, *Ve-*
" *nice*, *Savoy*, and Cantons of the *Switzers*, from whom he received cold
" Answers; for K. *James* had stood so long on terms of Peace, as they
" doubted he would not be brought to enter into a War. But Count *Mans-*
" *field* procured the King of *France* to contract to receive our Troops,
F " with promise to enter into the War, upon condition it might be regu-
" lated by the Council of the French King and *England*. This favor to
" Count *Mansfield*, That *France* agreed that his Armies should joyn with
" the Kings Troops, wrought the Princes of *Germany* to believe, that the
" King would enter into a War. Thereupon the Imperialists left their

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"Dyet, and ſent *Tilly* to *Friezland*; and to take up the River of *Emb-*
"*den*; which if he had obtained, they would have trampled the Low-
" Countreys under foot, and would have become Governors of the
"Sea.

"Upon this the King of *Denmark* ſent to our King, and offered to
"raiſe an Army of thirty thouſand men, if our King would allow thirty
" thouſand pounds a Moneth, and ſaid, He would admit no time of re-
" ſpite; for if *Tilly* had not been preſently met and headed, all had been A
" loſt. Whereupon our King called a Council, and appointed Com-
" miſſioners; and from that time all the Warrants for the iſſuing of the
" Moneys, were all under the Kings own hand to the Council of War
"and from them to the Treaſurers, and the Warrants were from the
"Lords of the Council for the levying of Men, and for Coats and Con-
" duct-money. A Liſt whereof is hereunder ſpecified.

Thereupon the Duke asked the queſtion, whether any thing was done by ſingle Council. B

To which the Lord *Conway* anſwered, "No; For the Treaty of
"*Denmark*, Project of Count *Mansfields*, Treatiſe with *France*, and the
"buſineſs of the Navy, were done all by the King himſelf; and who can,
"ſay it was done by ſingle Council, when King *James* commanded it,
"whoſe Council every man ought to reverence, eſpecially in Matters
"of War, whereunto that King was not haſty? C

The Total of Moneys paid by Warrants of the Treaſurers of the Subſidy Money.

A Liſt of Moneys diſburſed for the War.

IN *Toto* for the Four Regiments of the Low-Countries, from the 13th of *June*, 1624. till the One and twentieth of *July*, 1624.	99878 l.	00 s.	06 d.	
For the Navy, from the 13th of *July*, 1624. till the three and twentieth of *December*.	37530 l.	08 s.	04 d.	D
For the Office of the Ordnance and Forts in *England*, from the Twentieth of *July*, 1624. till the Fifteenth of *June*, 1625.	47126 l.	05 s.	05 d.	
To defray Charges for Forts in *Ireland*, about *October*, 1624.	32295 l.	18 s.	04 d.	
For the ſervice under Count *Mansfield*; for Proviſions of Arms, tranſporting of Soldiers, from the Fourth of *October*, 1624. till the Tenth of *December*, 1624.	61666 l.	13 s.	04 d.	E
Sum. Total--	278497 l.	04 s.	11 d.	

"*Memorandum*, that over and above the ſeveral Services before
"ſpecified, and the ſeveral Sums iſſued, and to be iſſued by our
"Warrants for the ſame, We did long ſince reſolve and order according-
"ly, that out of the Moneys of the ſecond and third Subſidies, theſe fur-
"ther Services ſhould be performed, and Moneys iſſued accordingly, F
"*viz.*

"In full of the Supply of all the Forts and Caſtles before-mention-
"ed (Surveyed *per* Sir *Richard Moriſon*, Sir *John Ogle*, Sir *John Kay*, in
"*September*,

2 *Caroli.*

" *September* 1613.) with all ſorts of Munitions according to ſeveral " Proportions and Warrants for the ſame——————4973 l.

" In full for the Reparations of all the ſaid Forts and Caſtles, accor- " ding to the ſaid Survey——————10650. 06 s. 08 d.

" But the ſaid Subſidies being not like to afford means to perform " theſe ſo neceſſary Works; We humbly command the ſupply of what " ſhall be wanting for the ſame unto your Majeſties Princely conſidera- " tion.

Whileſt the Commons were inquiring into Publick Grievances, the Lords repreſented to the King a Grievance to their own Order, in this following Petition.

To the Kings moſt Excellent Majeſty.

The Petition of your ever Loyal Subjects, the Lords Spiritual and Temporal now in Parliament Aſſembled,

In all humility ſheweth.

The Lords Petition touching Precedency challeng'd by *Scots* and *Iriſh*.

That whereas the Peers and Nobility of this your Kingdom of England, have heretofore in Civility yielded as to ſtrangers Precedency, according to their ſeveral degrees, unto ſuch Nobles of Scotland and Ireland, as being in Titles above them, have reſorted hither. Now divers of the natural born Subjects of thoſe Kingdoms reſident here with their Families, and having their chief Eſtates among us, do by reaſon of ſome late created Dignities in thoſe Kingdoms of Scotland and Ireland, claim Precedency of the Peers of this Realm, which tends both to the diſſervice of your Majeſty, and theſe Realms, and to the great diſparagement of the Engliſh Nobility, as by theſe Reaſons may appear.

I. It is a Novelty without Preſident, that Men ſhould inherit Honours, where they poſſeſs nothing elſe.

II. It is Injurious to thoſe Countries from whence their Titles are derived, that they ſhould have a Vote in Parliament, where they have not a foot of Land.

III. It is a grievance to the Countrey where they inhabit, that men poſſeſſing very large Fortunes and Eſtates, ſhould by reaſon of Foreign Titles, be exempted from thoſe ſervices of Truſt and Charge, which through their default become greater preſſures upon others who bear the burthen.

IV. It is a ſhame to Nobility, that Perſons dignified with the Titles of Barons Viſcounts, &c. ſhould be obnoxious and expoſed to arreſt, they being in the view of the Law no more than meer Plebeians.

We therefore humbly beſeech your Majeſty, that you will be pleaſed according to the examples of the beſt Princes and times, upon conſideration of theſe inconveniences repreſented to your Majeſty, by the neareſt Body of Honor to your Majeſty, that ſome courſe may be taken and an order timely ſetled therein by your Princely Wiſdom, ſo as the inconvenience to your Majeſty may be prevented, and the prejudice and diſparagement of the Peers and Nobility of this Kingdom be redreſſed.

To

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To this Petition the King gave Anſwer, that he would take order therein.

The Earl of *Briſtol* who continued under Reſtraint, and was debarred Acceſs to his Majeſty ever ſince his return out of *Spain*, had been examined touching his Negotiation there, by a Committee of Lords appointed by the King. Certain Propoſitions were tendred unto him in order to his Releaſe, and compoſing of that Affair, concerning which he had written to the Lord *Conway*, and about this time received the enſuing Letter from him.

The Lord *Conway*, to the Earl of *Briſtol*.

My Lord,

The Lord *Conway*'s Letter to the Earl of *Briſtol*.

I Received a Letter from your Lordſhip, dated the Fourth of this Moneth, written in Anſwer to a former Letter which I directed to your Lordſhip by his Majeſties Commandment. This laſt Letter according to my Duty I have ſhewed unto his Majeſty, who hath peruſed it, and hath commanded me to write back to you again, that he finds himſelf nothing ſatisfied therewith. The Queſtion propounded to your Lordſhip from his Majeſty, was plain and clear, Whether you did rather chuſe to ſit ſtill without being queſtioned for any Errors paſt in your Negotiation in Spain, *and enjoy the benefit of the late gracious Pardon granted in Parliament, whereof you may have the benefit: Or whether for the clearing of your Innocency (whereof your ſelf and your friends and followers are ſo confident) you will be content to wave the advantage of that Pardon, and put your ſelf into a legal way of Examination for the Tryal thereof. His Majeſties purpoſe thereby, is not to prevent you of any favors the Law hath given you; but if your Aſſurance be ſuch as your Words and Letters import, he conceives it ſtands not with that Publick and reſolute profeſſion of your Integrity to decline your Tryal. His Majeſty leaves the choice to your ſelf, and requires from you a direct Anſwer without circumlocution or bargaining with him for future Favors beforehand; but if you have a deſire to make uſe of that Pardon which cannot be denied you, nor is any way deſired to be taken from you, his Majeſty expects he ſhould at the leaſt forbear to magnifie your Service, and out of an opinion of your Innocency, caſt an aſperſion upon his Majeſties Juſtice, in not affording you that preſent fulneſs of Liberly and Favor which cannot be drawn from him, but in his good time and according to his good pleaſure.*

Thus much I have in commandment to write to your Lordſhip, and to require your Anſwer clearly and plainly by this Meſſenger ſent on purpoſe for it, and ſo remain.

Whitehall, 24 *March*, 1626.

Your Lordſhips humble ſervant,

Edw. Conway.

The Earl of *Briſtol*'s Letter to the Lord *Conway*.

My Lord,

I Have received your Letter of the 24*th of* March, *the Twenty eighth; and I am infinitely grieved to underſtand that my former anſwer to yours of the fourth of* March, *hath not ſatisfied His Majeſty, which I will*

2 Caroli.

will endeavor to do this, to the beſt of my underſtanding; and to that end ſhall anſwer to the particular points of your preſent Letter, with the greateſt clearneſs I am able.

First, *Whereas you ſay in your Letter, that the queſtion propounded to me was plain and clear,* viz.

Whether I would chuſe to ſit ſtill without being queſtioned for any Errors paſt in my Negotiation in Spain, *and enjoy the benefit of the late gracious* A *Pardon, whereof I may take the benefit? Or whether being content to wave the advantage of that Pardon, I ſhould put my ſelf into a legal way of Examination for the Tryal thereof?* &c.

First, *Your Lordſhips may be pleaſed to remember, your laſt Propoſition was, Whether I deſired to reſt in the ſecurity I was in, which you now expreſs, Whether I will chuſe to ſit ſtill?*

Secondly, *Your Propoſition was, Whether I would acknowledge the gracious Favor of his Majeſty that now is, who had been pleaſed not to queſtion* B *my actions; when it is beſt known to your Lordſhip, That by a commiſſion of the Lords, I was queſtioned upon Twenty Articles, divers involving Felony and Treaſon. Although it be true, That when I had ſo anſwered (as I am confident their Lordſhips would have cleared me) I was ſo unhappy as their Lordſhips never met more about that buſineſs.*

But now your Propoſition is, Whether I will now chuſe to ſit ſtill without being further queſtioned for Errors paſt, whereas before it was required I ſhould acknowledge that I have not been queſtioned at all, which is a different C *thing? But confering both your Letters together, and gathering the ſenſe and meaning by making the latter an Explanation of the former, which I could have wiſhed your Lordſhip would have more clearly explained, I return unto your Lordſhip this plain and direct Anſwer.*

That underſtanding by the Security I am in, and ſitting ſtill, and not being further queſtioned, I am reſtored to the bare Freedom and Liberty of a Subject and Peer (for a Man being called in queſtion by his Majeſty, if after his Majeſty ſhall be pleaſed, out of his goodneſs, that he reſt quiet and D *ſecure, and that he ſhall not be further queſtioned, I conceive that it is not apparent that his liberty naturally revolveth unto him, when by his Majeſties Grace he is pleaſed to declare, he ſhall not be further queſtioned, but may live in further ſecurity.) So that underſtanding your Letter in this ſort (for no direct Anſwer can be made, until the ſenſe of the queſtion be truly ſtated) I do moſt humbly acknowledge and accept his Majeſties Grace and Favor, and ſhall not wave any thing that ſhall come to me by the pardon of the* 21 Jac. Regis, *nor by the pardon of his Majeſties Coronation; and am ſo far from* E *bargaining, as you are pleaſed to expreſs it for future favor (though I hope my humble and ſubmiſſive courſes of Petitioning his Majeſty, neither hath, nor ſhall deſerve ſo hard an Expreſſion) that I ſhall not preſume ſo much as to preſs for any favor, until my dutiful and Loyal Behaviour may move his Majeſties Royal and Gracious Heart thereunto, but receive, with all humbleneſs, this my Freedom and Liberty; the which I ſhall only make uſe of in ſuch ſort, as I ſhall judge may be moſt agreeable to his Majeſties* F *pleaſure.*

As for the ſecond part of your Letter, wherein you ſay, that if I deſire to make uſe of that Pardon, his Majeſty expects that I ſhould at leaſt forbear to magnifie my ſervices; or out of an opinion of my own Innocency caſt an aſperſion upon his Majeſties Juſtice. To this point I anſwer, That as I hope I ſhall never err in that ſort of immodeſty of valuing my ſervices, which I

acknowledg

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acknowledge to have been accompanied with infinite weakneſs and diſabilities; ſo I truſt it ſhall not diſpleaſe, that I make uſe, to mine own comfort, and the honour of my Poſterity, of thoſe many written Teſtimonies which my late moſt Bleſſed Maſter hath left me, of his gracious acceptance of my Services for the ſpace of Twenty years. So likewiſe I hope the modeſt avowing of mine Innocency will not be thought to caſt any aſperſion upon his Majeſties honor or Juſtice. I muſt freely confeſs unto your Lordſhip, I am much afflicted to ſee Inferences of this nature made, both in your Lordſhips laſt Letter, and in this. For if it ſhall be inferred as a thing reflecting upon the King's Honor, that a Man queſtioned, ſhall not endeavour to defend his own Innocency before he be convicted, it will be impoſſible for any man to be ſafe; for the honor of his Majeſty, is too Sacred a thing for any Subject, how innocent ſoever, to conteſt againſt. So likewiſe, God forbid that it ſhould be brought into Conſeqnences, (as in your former Letter) as a Tax upon the Government and Juſtice of his late Majeſty, and Majeſty that now is, that I ſhould have ſuffered ſo long time, not being guilty. For as I never have been heard ſo much as to repine of Injuſtice in their Majeſties, in all my ſufferings, ſo I well know, That the long continuance of my troubles may well be attributed to other Cauſes; as to my own Errors of Paſſion, or other Accidents: for your Lordſhip may well remember, That my Affairs were almoſt two years ſince upon the point of a happy Accommodation, had it not been interrupted by the unfortunate miſtaking of the Speeches I uſed to Mr. Clark.

I ſhall conclude by intreating your Lordſhips favor, That I may underſtand from you, as I hope for my comfort, that this Letter hath given his Majeſty ſatisfaction; or if there ſhould yet remain any ſcruple, That I may have a clear and plain ſignification of the King's pleaſure, which I ſhall obey with all Humility,

Your Lordſhips humble Servant,

BRISTOL.

The Earl of *Briſtol* Petitions the Houſe of Lords.

The Earl of *Briſtol* petitions the Houſe of Lords, ſhewing, That he being a Peer of this Realm, had not received a Summons to Parliament, and deſires their Lordſhips to mediate with his Majeſty, that he may enjoy the liberty of a Subject, and the Priviledge of his Peerage, after almoſt two years reſtraint, without being brought to a Tryal. And if any Charge be brought in againſt him, he prayeth that he may be tryed by Parliament.

The Petition referred to the Committee of Priviledges.

The buſineſs is referred to the Committee of Priviledges, and the Earl of *Hartford* reported from that Committee, That it is neceſſary that their Lordſhips humbly beſeech his Majeſty, that a Writ of Summons may be ſent to the Earl of *Briſtol*; as alſo to ſuch other Lords whoſe Writs are ſtopped, except ſuch as are made uncapable to ſit in Parliament, by Judgment of Parliament, or ſome other legal Judgment.

Hereupon the Duke ſignified to the Houſe, That upon the Earl of *Briſtol*'s Petition to the King, his Majeſty had ſent him his Writ of Summons: And withal, ſhewed to the Lords the Copy of a Letter written from the King unto the ſaid Earl, being as followeth.

We

2 *Caroli.*

The King's Letter to the Earl of *Bristol.*

WE have received your Letter addressed unto us by Buckingham, *and cannot but wonder, that you should, through forgetfulness, make request to us of favour, as if you stood evenly capable of it, when you know what your behaviour in* Spain *deserved of us, which you are to examine by the observations we made, and know you well remember; how at our first coming into* Spain, *taking upon you to be so wise, as to foresee our intention to change our Religion, you were so far from dissuading us, that you offered your advice and secresie to concur in it; and in many other Conferences pressing to shew how convenient it was to be a Roman Catholick; it being impossible, in your opinion, to do any great action otherwise: and how much wrong, disadvantage, and disservice you did to the Treaty, and to the Right and interest of our dear Brother and Sister, and their Children; what disadvantage, inconvenience, and hazard you intangled us in by your Artifices, putting off and delaying our return home; the great estimation you made of that State, and the low price you set this Kingdom at; still maintaining, that we, under colour of friendship to* Spain, *did what was in our power against them, which, they said, you very well knew: And last of all, your approving of those Conditions, that our Nephew should be brought up in the Emperor's Court; to which Sir* Walter Ashton *then said, That he durst not give his consent, for fear of his head: You replyed unto him, That without some such great Action, neither Marriage nor Peace could be had.*

Upon the receipt of the Writ, *Bristol* again Petitions the House of Lords, and annexes to his Petition the Lord Keeper's Letter, and his own Answer thereto, and desires to be heard in accusation of the Duke.

The humble Petition of *John* Earl of *Bristol.*

Humbly shewing unto your Lordships,

The Earl of *Bristol* Petitions the Lords upon receit of his Writ.

THat he hath lately received his Writ of Parliament, for which he returneth unto your Lordships most humble thanks, but joyntly with it a Letter from my Lord Keeper, commanding him in his Majesty's Name to forbear his personal attendance; and although he shall ever obey the least intimation of his Majesty's pleasure, yet he most humbly offereth unto your Lordship's wise considerations, as too high a point for him, how far this may trench upon the Liberty and Safety of the Peers, and the Authority of their Letters Patents, to be in this sort discharged by a Letter missive of any Subject, without the King's hand: and for your Lordship's due information, he hath annexed a Copy of the said Lord Keeper's Letter, and his Answer thereunto.

He further humbly petitioneth your Lordships, That having been, for the space of two years, highly wronged in point of his Liberty, and of his Honour, by many sinister aspersions which have been cast upon him, without being permitted to answer for himself; which hath been done by the power and industry of the Duke of Buckingham, to keep him from the presence of his Majesty and the Parliament, lest he should discover many crimes concerning the said Duke.

He therefore most humbly beseecheth, That he may be heard both in

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the point of his wrong and of his Accusation of the said Duke: wherein he will make it appear, how infinitely the said Duke hath both abused their Majesties, the State, and both the Houses of Parliament. And this he is most confident will not be denied, since the Court of Parliament never refuseth to hear the poorest Subject seeking for redress of Wrongs, nor the Accusation against any, be he never so powerful: And herein he beseecheth Your Lordships to mediate to his Majesty, for the Suppliants coming to the House, in such sort as you shall think fitting; assuring his Majesty, That all he shall say, shall not onely tend to the service of his Majesty, and the State, but highly to the Honour of his Majesty's Royal Person, and of his Princely Vertues: And your Suppliant shall ever pray for your Lordships prosperity. A

The Lord Keeper to the Earl of *Bristol*, *March* 31. 1626. B

My very good Lord,

BY his Majest's commandment, I herewith send unto your Lordship your Writ of Summons for the Parliament; but withal signifie his Majesty's pleasure herein further, that howsoever he gives way to the awarding of the Writ; yet his meaning is thereby, not to discharge any former directions for restraint of your Lordship's coming hither, but that you continue under the same restriction as you did before; so as your Lordship's personal attendance is to be forborn; and therein I doubt not but your Lordship will readily give his Majesty satisfaction. And so I commend my service very heartily unto your Lordship, and remain, C

Your Lordship's assured Friend and Servant, D

Dorset-Court, March 31. 1626.

THO. COVENTRY, C. S.

His Answer to the Lord Keeper.

May it please your Lordship, E

I Have received your Lordship's Letter of the 31 *of* March, *and with it his Majesty's Writ of Summons for the Parliament; In the one his Majesty commandeth me, that all excuses set aside, upon my Faith and Allegiance I fail not to come and attend his Majesty; and this under the Great Seal of* England. *In the other, as in a Letter missive, his Majesty's pleasure is intimated by your Lordship, that my personal attendance should be forborn: I must crave leave ingenuously to confess unto your Lordship, that I want judgment rightly to direct my self in this Case; as likewise that I am ignorant how far this may trench upon the Priviledges of the Peers of this Land, and upon mine and their safety hereafter: For if the Writ be not obeyed, the Law calleth it a Misprision, and highly fineable, whereof we have had late examples; and a missive Letter being avowed or not, is to be doubted would not be adjudged a sufficient discharge against the Great Seal of* England: *On the other* F

2 Caroli.

other ſide, if the Letter be not obeyed, a Peer may, De facto, *be committed upon a contempt, in the interim, and the queſtion cleared afterwards; ſo that in this caſe it is above mine abilities. I can only anſwer your Lordſhip, that I will moſt exactly obey; and to the end I may underſtand which obedience will be, in all kinds, moſt ſuitable to my duty, I will preſently repair to my private Lodging at* London, *and there remain, until in this, and other Cauſes, I ſhall have petitioned his Majeſty, and underſtand his further pleaſure. For the ſecond part of your Lordſhip's Letter, where your Lordſhips ſaith,* That his Majeſty's meaning is not thereby to diſcharge any former directions for reſtraint of your Lordſhip's coming hither, but that you continue under the ſame reſtriction as before; ſo that your Lordſhip's perſonal attendance here is to be forborn: *I conceive your Lordſhip intendeth this touching my coming to Parliament onely; for as touching my coming to* London, *I never had at any time one word of prohibition, or colourable pretence of reſtraint; but on the contrary, having his late Majeſty's expreſs leave to come to* London, *to follow my affairs; out of my reſpect to his Majeſty, then Prince, and to the Duke of* Buckingham, *I forbore to come, until I might know, whether my coming would not be diſagreeable unto them. Whereunto his Majeſty was pleaſe to anſwer, both under the hand of the Duke, and of Mr. Secretary* Conway, *That he took my reſpect unto him herein in very good part, and would wiſh me to make uſe of the leave the King had given me: Since which time I never received any Letter or Meſſage of reſtraint; onely his Majeſty, by his Letter, bearing date* June *the laſt, commandeth me to remain as I was in the time of the King his Father, which was with liberty to come to* London *to follow my own affairs as I pleaſed, as will appear unto your Lordſhip, if you will afford me ſo much favour as to peruſe them. I have writ this much unto your Lordſhip, becauſe I would not, through miſunderſtanding, fall into diſpleaſure by my coming up, and to intreat your Lordſhip to inform his Majeſty thereof: And that my Lord* Conway, *by whoſe warrant I was onely reſtrained in the late King's time, of famous memory, may produce any one word, that may have ſo much as any colourable pretence of debarring my coming up to* London. *I beſeech your Lordſhip to pardon my deſire to have things clearly underſtood, for the want of that, formerly, hath cauſed all my troubles; and when any thing is miſinformed concerning me, I have little or no means to clear it; ſo that my chief labour is to avoid miſunderſtanding. I ſhall conclude with beſeeching your Lordſhip to do me this favour, to let his Majeſty underſtand, that my coming up is onely rightly to underſtand his pleaſure, whereunto I ſhall in all things moſt dutifully and humbly conform my ſelf. And ſo with my humble ſervice to your Lordſhip, I recommend you to God's holy protection, and remain,*

Your Lordſhip's moſt humble Servant.

Sherborn, April 12.
1626.

BRISTOL.

Hereupon the Lord keeper delivered this Meſſage from the King to the Houſe of Lords.

A Meſſage from the King to the Houſe of Lords.

"THat his Majeſty hath heard of a Petition preferr'd unto this Houſe "by the Earl of *Briſtol*, ſo void of duty and reſpects to his Majeſty, "that he hath great cauſe to puniſh him; That he hath alſo heard with "what duty and reſpectfulneſs to his Majeſty their Lordſhips have pro-"ceeded therein, which his Majeſty conceiveth to have been upon the

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"from *Spain*, and his ſcandalizing the Duke of *Buckingham* immediate- "ly, and his Majeſty by reflexion, with whoſe privity, and by whoſe di- "rections the Duke did guide his Actions, and without which he did "nothing. All which his Majeſty will cauſe to be charged againſt him "before their Lordſhips in this Houſe.

The Lords appointed a Committe to attend the King, and to pre- B
ſent their humble thanks to his Majeſty, for the Truſt and Confidence he had placed in the Honour and Juſtice of their Houſe.

The Marſhal of *Middleſex*'s Petition touching Prieſts.

About this time the Marſhal of *Middleſex* petitioned the Committee of the Houſe of Commons, touching his reſiſtance in ſeiſing of Prieſts Goods.

A Warrant was made by Mr. Attorney-General, to *John Tendring*, C
Marſhal of *Middleſex*, and other therein named, to ſearch the Pri- ſon of the *Clink*, and to ſeiſe all Popiſh and Superſtitious matters there found.

A Letter alſo was directed to Sir *George Paul*, a Juſtice of Peace in *Surrey*, to pray him to take ſome care and pains to expedite that ſervice. On *Good-Friday*, *April* 7. Sir *George Paul* was ready, by ſix a clock in the morning, five or ſix Conſtables being charged, and about an hundred perſons to aid and aſſiſt them. The Marſhal being attended with the perſons named in the Warrant, and divers other of his own ſervants, and D
the Aid being provided by Sir *George Paul*, came to the *Clink*, and find- ing a door open, without any Porter or Door-keeper at all, entred with- out reſiſtance at the firſt appearing: But immediately upon diſcovery of his purpoſe, the concourſe of People without, and his unexpected en- trance giving occaſion thereto, the Porter ſteps up, ſhuts the door, and keeps the Marſhal, and ſome few that entred together with him, within, and his Aid without, reſiſting them that would enter, their Warrant being ſhewed notwithſtanding, until by force another door was broken E
open, by which the other perſons named in the Warrant, the Marſhals men, with the Conſtables, and others appointed for their aſſiſtance, with Halbards, did enter alſo, leaving ſufficient company without to guard the three ſeveral doors belonging to the Houſe.

Being within, the Marſhal gave direction to his followers to diſperſe themſelves into ſeveral parts of the houſe, to the end, that whilſt he did ſearch in one part, the other parts and places might be ſafely guard- ed, and ſo he proceedeth in his ſearch; in the proſecution whereof he F
found four ſeveral Prieſts in the houſe, *viz. Preſton*, *Candon*, *Warrington*, *Prator*. *Preſton* was committed to the *Clink* about ſixteen years ſince, and diſcharged of his impriſonment about ſeven years ago, yet remained there in the Priſon ſtill, attended with two Woman-ſervants, and one Man-ſervant, who, as it was ſuſpected, had continued with him ever ſince

the

2 *Caroli.*

the Gunpowder-Treaſon, 1605. The keeping there by himſelf apart from the Keeper of the Priſon, and had for his Lodging three or four ſeveral Chambers, part of the Biſhop of *Wincheſter*'s houſe, into which there was paſſage made through the Priſon-yard, no other entrance in or out of the ſame being diſcovered; and he affirmed, That he had a Warrant or Licenſe from the Lord Archbiſhop of *Canterbury* for his reſidence there,
A with liberty freely for himſelf and all Company that would reſort to him thither.

There was found in his Chamber five or ſix Cart-loads of Books, ſet up with Shelves, as in a Library, or Book-ſellers Shop, ſuppoſed to be worth Two thouſand pounds at leaſt; beſides which, it was affirmed by the Keeper of the Priſon, that he had a far greater Library abroad; for
B which the Keeper's Examination was taken before Sir *Edm. Bower* and Sir *George Paul*, Knights, Juſtices of *Surrey*; wherein it was ſaid, that *Preſton* is either licenſed, warranted, or protected by the Biſhop of *Canterbury*, *Durham*, or *Wincheſter*, to that effect. There were alſo found two Altars, ready furniſh'd for Maſs, one more publick in an upper Chamber, the other more private in a Study, many rich Copes, Surplices, Wax-candles, Croſſes, Crucifixes very rich, Beads, Jewels, Chains, Chalices of Silver, and of Gold, five or ſix Bags of Money, which were not opened, and looſe Money, to the quantity of 100 *l.* thrown up and down in his
C Desk; abundance of Manuſcripts, and a Pacquet of Letters bound up together with a thread.

In *Cannon*'s Chamber was found an Altar ready furniſhed with many Plates, Jewels, Church-ſtuff, and many rich Pictures, divers Letters and Manuſcripts, Wax-candles, and other ſuch Popiſh materials; a great deal of his Chamber being ſhelved about, and full of Books; in one of his Studies alſo, there were Books ſet in order upon ſhelves, as in *Preſton*'s Chamber, to a great value, and a private Altar furniſhed for Maſs, his Hallow-
D ed Bread ready fitted, and his Holy-water, which *Cannon* himſelf caſt out into the Chimney. In another Study of *Cannon*'s were found great ſtore of curious Tools and Engines to work withal, three Swords or Rapiers, one Piſtol, and a Fowling-piece: Amongſt other things were found Pictures of Queen *Elizabeth*, King *James*, Queen *Ann*, and King *Charles*; the taking whereof, being ſet a part with other ſtuff to be removed, did exceedingly move the Prieſt to impatience. Of whom alſo it is to be noted, that he had in his cuſtody all the Keeper's Warrants for Commitment
E of his Priſoners, which were found in his Chamber, together with ſome ſtore of Plate, which, he ſaid, was by him kept for the Keeper's Wife.

In *Warrington*'s Chamber were found Books, Beads, Boxes of Oyl for Extreame Unction, and ſuch like traſh; but the Wall thereof was broken down into another houſe adjoyning to the Priſon, through which, it is conceived, that all the reſt of *Warrington*'s Proviſion was convey'd away, in the interim of the ſearch made in the two former Chambers.

The fourth Prieſt, named *Prator*, was firſt committed to *Glouceſter*-
F Gaol, being ſuſpected to be the Archbiſhop of thoſe parts, and lay there till *Lent-Aſſizes* laſt drew on; but for fear of the ſeverity of the Laws (as *Daviſon* and the keeper did affirm) a Warrant was procured by the Papiſts for his remove from *Glouceſter* to the *Clink*, where he was found a Priſoner. It was informed by the Keeper, that this *Prator* brought up from *Glouceſter* a Gentlewoman, who lies in a Chamber next adjoyning to his Lodging, and that he paid Two ſhillings ſix pence a week for her Chamber, and maintained a Maid-ſervant to attend her: It is ſuppoſed, that this Priſon

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is her protection from the lawful proceedings that might be had againſt her in the Countrey for Recuſancy.

In the Porters Chambers were found ſeven or eight Popiſh Books.

In the Keeper's Lodging was found a Cloſet or Study, wherein ſtore of Writtings, Letters, and long Catalogues of Books were found, with their ſeveral Prices, on rich Picture or Crucifix, a Picture of *Mary Magdalen*; of which two, the Keeper affirmed, that one of them coſt thirty pound; and alſo many other rich Pictures, amongſt which, one was a Picture of an old Prieſt, named *Collington*, of whom *Cannon* affirmed, in ſcoffing manner, That that man's Beard had done King *James* more hurt, than an Army of ten thouſand men could have done. *Preſton*'s ſervants, being one Man, two Maids, the Gentlewoman that came from *Glouceſter*, and her ſervant, and the Keeper himſelf, and *Robert Daviſon* his Man, were all examined before the ſaid Juſtices. A

During the Marſhal's tarrying in the *Clink*, it was obſerved, that both *Preſton* and *Cannon* uſed all the means they could to have notice of the matter then in hand given to the Lord of *Canterbury*, and were very penſive, until they perceived he had notice of it. Whereupon they expreſſed much joy, being aſſured, as they ſaid, that then there ſhould be nothing removed out of the houſe. And it came to paſs accordingly: For whilſt the Marſhal and his ſervants were in the ſearch of the third Chamber, and had locked up divers others Chambers, wherein, as it was informed, there was ſtore of Wealth, Church-ſtuff, Books, and other matters, which would have been found, if the ſearch had been proſecuted; a countermand was brought from the Archbiſhop, and Maſter Attorney, whereby the proceeding of the buſineſs was ſtaid, and the Marſhal was forbidden to remove or take away any thing, ſo much as a paper. B

The Keeper and his Wife, and the Prieſts, did grievouſly threaten the Marſhal, and all his Aſſiſtants, with very high terms, eſpecially with Arreſts and Impriſonments for their attempt in this ſervice; one of them ſaying, that they ſhould be impriſoned, as once one *Harriſon*, a Meſſenger, who, for performing the like ſervice in the *Clink*, was committed to the *Marſhalſey*, and kept there three years, until in the end he was diſcharged by an Order in the Parliament, as is credibly reported: Furthermore it is alſo humbly informed by the ſaid Marſhal, That upon the twenty ſecond of *March* laſt, by a like Warrant from the Lord *Conway*, he did ſearch the Biſhop's Priſon, called the new Priſon in *Maiden-lane* in *London*, where he found ſix ſeveral Prieſts priſoners in ſeveral Chambers, an Altar, with all Furniture thereto belonging, with Church-Books and Stuff, which were as much as three Porters could carry away, and it is now in the hands of the Lord *Conway*. Of which ſervice, if this Honourable Houſe will call for a more particular account, the Marſhal is ready to give further ſatisfaction. C D E

He humbly prayeth the honourable favour of this Houſe, for his encouragement and further abilities to the like ſervices. F

Arch-

2 Caroli.

Archbiſhop of *Canterbury's* Letter in behalf of the Prieſts in the *Clink*, directed to Maſter Attorney-General.

Good Mr. Attorney,

I Thank you for acquainting me what was done yeſterday at the Clink: *But I am of opinion, that if you had curiouſly enquired upon the Gentleman who gave the information, you ſhould have found him to be a Diſciple of the Jeſuites; for they do nothing but put tricks on theſe poor men, who do live more miſerable lives, than if they were in the Inquiſition in many parts beyond the Seas. By taking the Oath of Allegiance, and writing in defence of it, and opening ſome points of high conſequence, they have ſo diſpleaſed the Pope, that if by any cunning they could catch them, they are ſure to be burnt or ſtrangled for it. And once there was a plot to have taken* Preſton, *as he paſſed the* Thames, *and to have ſhipt him into a bigger Veſſel, and ſo to have tranſported him into* Flanders, *there to have made a Martyr of him. In reſpect of theſe things, King* James *always gave his protection to* Preſton *and* Warrington, *as may be eaſily ſhewed.* Cannon *is an old man, well affected to the Cauſe, but medleth not with any Factions or Seditions, as far as I can learn. They complain their Books were taken from them, and a Crucifix of Gold, with ſome other things, which, I hope, are not carried out of the houſe, but may be reſtored again unto them; for it is in vain to think, that Prieſts will be without their Beads or Pictures, Models of their Saints; and it is not improbable, that before a Crucifix they do often ſay their Prayers.*

I leave the things to your beſt conſideration, and hope that this deed of yours, together with my word, will reſtrain them for giving offenſe hereafter, if ſo be that lately they did give any. I heartily commend me unto you, and ſo reſt;

Your very loving Friend,

G. Canterbury.

By this time the Commons had prepared an humble Remonſtrance to the King, in Anſwer to his Majeſty's and the Lord Keeper's Speech.

Moſt Gracious Sovereign,

The *Commons* Remonſtrance to the King, in anſwer to his Majeſty's and the Lord Keeper's Speech.

WHereas Your Majeſty hath been pleaſed of late, at ſundry times and by ſeveral means, to impart unto us your Royal pleaſure, touching ſome paſſages and proceedings in this preſent Parliament; We do firſt, with unſpeakable joy and comfort, acknowledge Your Majeſty's grace and favour, in that it hath pleaſed You to cauſe it to be delivered unto us by the Lord Keeper of Your Great Seal in Your own Royal Preſence and before both Houſes of Parliament. That never King was more loving to his People, nor better affected to the right uſe of Parliaments; withal profeſſing Your moſt gracious reſolution to hear and redreſs our juſt Grievances. And with like com-

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for we acknowledge Your Majesty's goodness shining at the very entrance of Your glorious Reign, in commanding the Execution of the Laws established to preserve the true Religion of Almighty God, in whose Service consisteth the happiness of all Kings and Kingdoms.

Yet let it not displease Your Majesty, that we also express some sense of just Grief intermixed with that great Joy, to see the careful proceedings of our sincere Intentions so mis-reported, as to have wrought effects unexpected, and, we hope, undeserved. A

First touching the Charge against us in the matter concerning Mr. Cook. We all sincerely protest, That neither the words mentioned in Your Majesty's Message, nor any other of seditious effect were spoken by him, as hath been resolved by the House without one Negative voice. Whosoever, in a Speech occasionally uttered, he let fall some few words, which might admit an ill construction; whereat the House being displeased at the delivery of them, as was expressed by a general and instant Check, he forthwith so explain'd himself and his intention, that, for the present, we did forbear to take them into consideration, which since we have done: And the effect thereof had before this appeared, if by importunate business of your Majesty's Service we had not been interrupted. B

The like interruption did also befall us in the Case of Doctor Turner; wherein the Question being formerly stated, a Resolution was ordered to have been taken that very day, on which we received Your Majesty's Command to attend You. C

But for our own proceedings, We humbly beseech your Majesty to be truly informed, That before that Overture from Doctor Turner, (out of our great and necessary care for your Honour and Welfare of your Realm) we had taken into serious consideration the Evils which now afflict your People, and the Causes of them, that we might apply our selves unto the fittest Remedies: In the pursuit whereof, our Committees (whatsoever they might have done) have in no particular proceeded otherwise, than either upon ground of knowledge in themselves, or proof by examination of Witnesses, or other Evidence. In which course of service for the publick good, as we have not swerved from the Parliamentary ways of our Predecessors, so we conceive, that the discovery and reforming of Errors, is so far from laying an aspersion upon the present time and Government, that it is rather a great honour and happiness to both, yielding matter to great Princes, wherein to exercise and illustrate their noblest virtues. D E

And although the grievous complaints of the Merchants from all parts, together with the common service of the Subjects well affected to those who profess our Religion, gave us occasion to debate some businesses that were partly Foreign, and had relation to affairs of State; yet we beseech Your Majesty to rest assured, it was exceeding far from our intention, either to traduce Your Counsellors, or disadvantage Your Negotiations. F

And though some examples of great and potent Ministers of Princes, heretofore questioned in Parliament, have been alledged, yet was it without paralleling Your Majesty's Government, or Councils, to any Times at all, much less to Times of Exception.

Touching

2 Caroli.

Touching the Letter of your Majesties Secretary, it was first alledged by your Advocate for his own Justification, and after by direction of the Committee produced to make good his Allegation.

And for the search at the Signet Office, the Copy of a Letter being divulged as in your Majesties Name, with pregnant cause of suspicion, both in the Body and Direction thereof to be suppositious, the A Committee out of desire to be cleered therein, did by their Order send some of themselves to the Signet Office, to search whether their were any Records of Letters of that nature, without Warrant to the Officer for any, much less for a general search.

But touching publick Records, we have not forborn as often as our businesses have required, to make search into them, wherein we have done nothing unwarranted by the Laws of your Realm, and the B constant usage of Parliaments. And if for the ease of their Labors, any of our Committees have desired the help of the Officers, Repertories, or Breviats of Direction, we conceive it is no more than any Subject in his own affairs might have obtained for ordinary Fees.

Now concerning your Majesties Servants, and namely, the Duke of Buckingham, we humbly beseech your Majesty to be informed by us your faithful Commons; who can have no private end C but your Majesties Service, and the good of your Countrey, That it hath been the antient, constant, and undoubted Right and Usage of Parliaments, to question and complain of all persons of what degree soever, found grievous to the Commonwealth, in abusing the power and trust committed to them by their Sovereign. A course approved not only by the examples in your Fathers days of famous memory, but by frequent presidents in the best, and most glorious Reigns of your Noble Progenitors, appearing both in Records and Histories; D without which liberty in Parliament, no private man, no servant to a King, perhaps no Counsellor, without exposing himself to the hazard of great enmity and prejudice, can be a means to call great Officers into question for their misdemeanors, but the Commonwealth might languish under their pressures without redress: and whatsoever we shall do accordingly in this Parliament, we doubt not but it shall redound to the honor of the Crown, and welfare of your Subjects.

Lastly, We most humbly beseech your Majesty graciously to con- E ceive, that though it hath been the long Custom of Parliaments to handle the matter of Supply with the last of their businesses, yet at this time out of extraordinary respect to your person, and care of your Affairs, we have taken the same into more speedy consideration, and most happily on the very day of your Majesties Inauguration, with great alacrity and unanimous consent: After a short Debate, we grew to the Resolution for a present Supply well known to your Ma- jesty.

F To which, if Addition may be made of other great things for your Service, yet in consultation amongst us, we doubt not but it will appear, That we have not receded from the truth of our first intention, so to supply you, as may make you safe at home, and feared abroad, especially if your Majesty shall be pleased to look upon the way intended in our promise, as well as to the measure of the gift agreed.

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With like humility we beſeech your Majeſty not to give ear to the officious reports of private perſons for their own ends, which hath occaſioned ſo much loſs of time, nor to judge our proceedings whileſt they are in agitation, but to be pleaſed to expect the iſſue and concluſion of our labors, which we are confident will manifeſt and juſtifie to your Majeſty the ſincerity and loyalty of our hearts, who ſhall ever place in a high degree of happineſs the performing of that duty and ſervice in Parliament, which may moſt tend to your Majeſties Honor and the good of your Kingdom. A

The Houſe Adjourned for a Week.

Unto this Remonſtrance the King ſaid, he could give no preſent anſwer, but deſired the Houſe to adjourn for a week as the Lords had done; and they adjourned accordingly.

Private Advice given to the Duke.

In the interim it was intimated in writing to the Duke, that he ſhould procure his Majeſty to ſignifie to a certain number of Lords, that he hath endeavored to divert the Charge againſt the Duke, becauſe his Majeſty hath had ſound knowledge and experience of his ſervice and fidelity. B

That his Majeſty may let them know, that he is now pleaſed to reveal ſome ſecrets and myſteries of State. That the King his Father finding the *Palatinate* more than in danger to be loſt, and his Majeſty being in *Spain*, and there deluded, and his abode and return both unſafe, it was a neceſſity of State to ſweeten and content the *Spaniard* with the hope of any thing which may ſatisfie and redeem thoſe Engagements And that therefore the King willed the Duke to yield diſcreetly to what he ſhould find they moſt deſired, and this was chiefly the point of Religion; So as in this, and of the like kind, the Duke upon his Majeſties knowledge was commanded, and but the Inſtrument truſted by the King in this Exigent, or if you will ſay, Extremity. C

Upon the ſame ground, though not in ſo high a degree, the ſending of the Ships to *Rochel* may be excuſed. Touching the vaſt creation of Nobility, his Majeſty may declare, that his Father who was born a King, and had long experience of that Regiment, found, that this State inclined much to popularity; and therefore thought fit to enlarge the number of his Nobles, that theſe being diſperſed into ſeveral Counties, might ſhine as Lamps of Sovereignty in protecting their own degrees, and at their own charge inure the people with reſpect and obedience to greatneſs. And the King may proteſt that this was a Child of his Fathers beſt Judgment and the Duke the Inſtrument thereof. D And if you ſay, there was Mony many times given for theſe Honors; nay if you ſay, that Money hath been given for places of Clergy and Judicature, take this of me, it is ſo in all other Countreys; as in *France* and *Spain*, &c. though I am not ſatisfied in this opinion. And if it be ſaid, the King ſhould have had the money which the Duke took to his own uſe, I believe this laſt (may the King ſay) is more than any man can prove; neither will I deliver what I know therein, only this I will ſay, I know the Dukes particular ſervice, and affection towards me, and that he and his will lay down themſelves, and all they have at my feet. E

Is it for a King to uſe his Servant and Inſtrument as he doth his Horſes, and being by hard riding in his ſervice foundred and lame to turn them out to Graſs or to the Cart? I muſt therefore (may the King ſay) in right of the King, my Fathers Honor, protect a man (though juſtly ſeeming guilty, yet) in my own knowledge innocent: Will you therefore F

2 Caroli.

fore deny the King to favor whom he pleaſeth, which the King never denied to you that are his Subjects; Well commend me to my Lords, and tell them, that if any thing hath been formerly done amiſs by others, I have power and will to redreſs it, and to prevent the like.

The Biſhops command d to attend the King.

A At this time the King commanded all the Biſhops to attend him, and when they were come before him, being fourteen in number, he reprehended them, that in this time of Parliament they had not made known unto him what might be profitable for the Church, whoſe cauſe he was ready to promote. And he laid this Charge upon them, that in the Cauſe of *Briſtol* and *Buckingham*, their Conſciences being their Guides, they ſhould follow only proofs and not rumors.

B The Commons ſent again to the Duke by Sir *John Epſly*, to let him know that they were paſſing Articles againſt him, and that they had given the Meſſengers to take notice thereof out of the Clerks Book, whereof he might take Copy of it if he pleaſed; and that they expected his Anſwer that day before ten of the Clock, if he pleaſed to ſend any.

This the Duke ſignified to the Lords, who did not think fit that he ſhould anſwer, as appears by the enſuing Report made by Sir *John Epſley*.

The Duke's Anſwer to a Meſſage from the Commons reported.

C "This day his Grace gave us this Anſwer, (after he had moved the "Lords) that he ſhould with great care make all due acknowledgment "of your reſpect and favors in giving him this notice, which though it do "invite him to render unto you ſuch a ſatisfaction that he hopes may ac- "quit and reſtore to him your good opinion, and might prevent your "proceedings, which otherwiſe by a Parliamentary courſe are like to fol- "low; yet according to his duty, he moved the Lords of the Upper- "Houſe, upon your notice given him, they would by no means, as

D "things now ſtand, give him leave to anſwer, in regard he is not igno- "rant you are preſently to enter into conſideration of his Majeſties Meſ- "ſage; and that by a delay therein your own purpoſes will be in ſome "ſort diſappointed, and the affairs of Chriſtendom much prejudiced; "but for that upon a reſolution you have deferred and reſpited that ſer- "vice, until thoſe things depending againſt him be firſt determined, he "out of fear that his neceſſary defence would ſpin out a great deal of "time, which is more precious, is the willinger to obey their Lordſhips,

E "that ſo he might haſten without obſtacle or interruption given unto "him to keep day with his Majeſty; and this he doth as he conceives to "his own infinite prejudice, knowing how grievous it is to be tranſ- "mitted as a Grievance by the voice of this Houſe: but he doth profeſs "he will rather hazard the ſafety of his Fortunes, Reputation, and him- "ſelf, then to be the leaſt occaſion of any that may work diſ-affection or "miſ-underſtanding between the King and his People. And it is his "Proteſtation, that whatſoever interruption is made by his actions,

F "his endeavors ſhall be as long as he hath any favor with his gratious Ma- "ſter, to take opportunity of doing good Offices to this Houſe, and of "rendring all that he can be able for the ſafety of the State, and the ge- "neral good of the Common-wealth. And this he ſaith you may the "eaſier believe, becauſe his Majeſty can witneſs that he hazarded in his Fa- "thers time the loſs of the beſt affection of the beſt of Maſters to obtain

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"for them their desire. In this zeal he was desirous to have appeared "unto you ever since the beginning of this Parliament, and in this "zeal he doth now present himself unto you. But to return to the "main point, he, lest we should be mistaken, gave us occasion, in plain "words, to remember you, that it is not he that doth refuse to answer, "but the Lords commanded him not to answer, which he the chearful- "lier obeyed, in respect of his fidelity to prefer the Universal Weal be- "fore his own particular. And in the mean time he desireth the chari- "table opinion of this Noble House, until he be convinced that he shall "appear not worthy of it, which his own innocency maketh him con- "fident that he shall not.

A

Whilest the Duke stood ready to be impeacht, his Grace propounded to the Lords of the Council to have it moved to the King, that in regard of the important services by Sea, the usual pay to the Sailers might be raised from Fourteen to Twenty shillings a Month, which was as much as they ordinarily received for Merchants wages: The King being therein moved, was consenting. Nevertheless multitudes of the pressed Marriners ran away, leaving his Majesties Ships unfurnished, and his service disappointed.

B

There was a great Debate in the House of Commons, whether the Committee of Twelve (where Mr. *Glanvil* had the Chair) shall consider of any new matter not heretofore propounded in the House against the Duke? And it was resolved in the Affirmative.

C

Glanvil's report from the Committee.

Mr. *Glanvil* reports from the Committee the Examination concerning a Plaister and a Posset applied and given to King *James* in his sickness, when the Kings sworn Physitians had agreed upon other directions. Hereupon it was resolved, That this should be annexed to the Charge against the Duke, as a transcendent presumption of dangerous consequence.

Hereupon his Majesty sent this Message to the Commons.

D

The Kings Message touching new matter against the Duke.

"That he having given way to Enquire about the Duke of *Buckingham*, and hearing that there is new matter intended to be brought "against him, nevertheless leaveth the House to their own way to present "the business to him, or to the Lords; withall advising them to consi- "der of the season of the year, and to avoid all loss of time.

It was Ordered, That thanks should be returned to his Majesty for this Message.

E

The Earl of *Bristol* brought to the Bar of the Lords House.

On the Munday the first of *May*, the Gentleman-Usher brought the Earl of *Bristol* to the Bar, according to their Lordships Order; and the Lord Keeper acquainted him, That the King had commanded his Attorny-General to charge the Earl of *Bristol* before their Lordships with High Treason, and other offences and Misdemeanors of a very high nature, that they might proceed in a legal course against him, according to the Justice and usual proceedings of Parliament.

F

I. *Offences*

2 *Caroli.*

I. *Offences done and committed by the Earl of* Briſtol *before his Majeſties going into* Spain, *when he was Prince.*

A I. THat the ſaid Earl being truſted and employed by the ſaid late King as his Ambaſſador to *Ferdinando*, then and now Emperor of *Germany*; now to *Phillip* the Fourth then and now King of *Spain*, in *Annis* 1621, 22, and 23. And having Commiſſion, and particular and ſpecial Direction to Treat with the ſaid Emperor and the King of *Spain*, for the plenary reſtoring of ſuch parts of the Dominions, Terretories, and Poſſeſſions of the Count *Palatine* of *Rhine*, who married with the moſt Excellent Lady *Elizabeth* his now Royal Conſort, the only Daughter of the ſaid late King *James*; which were then wrongfully and in hoſtile manner taken, and poſſeſſed with and by the Armies of the ſaid Emperor, and King of *Spain*, or any other; and for preſerving and Keeping ſuch other parts thereof as were not then loſt, but were then in the protection of the ſaid late King *James*; and to the uſe of the ſaid Count *Palatine* and his Children: And alſo to Treat with the ſaid King of *Spain* for a Marriage to be had between the moſt high and Excellent Prince *Charles*, then Prince of *Wales*, the only Son and Heir Apparent of the ſaid King *James*, and now our moſt Soveraign Lord, and the moſt Illuſtrious Lady *Donna Maria* the *Infanta* of *Spain*, Siſter to the now King of *Spain*: He the ſaid Earl, contrary to his duty and Allegiance, and contrary the truſt and duty of an Ambaſſador, at *Madrid* in the Kingdom of *Spain*, to advance and further the deſigns of the ſaid King of *Spain* againſt our ſaid Sovereign Lord his Children, Friends, and Allies; falſly, willingly, and traiterouſly, and as a Traitor to our ſaid late Sovereign Lord the King, by ſundry Letters and other Meſſages ſent by the ſaid Earl from *Madrid*, in the years aforeſaid, unto K. *James*, and his Miniſters of State of *England*, did confidently and reſolutely, inform, adviſe, and aſſure the ſaid late King, that the ſaid Emperor, and King of *Spain*, would really, fully, and effectually make reſtitution and plenary reſtauration to the ſaid Count *Palatine* and his Children of the ſaid Dominions, Territories, and poſſeſſions of the ſaid Count *Palatine*, and of the ſaid Electoral Dignity, and that the ſaid King of *Spain* did really, fully, and effectually intend the ſaid Marriage between the ſaid Lady his Siſter, and the ſaid Prince our now Sovereign Lord, according to Articles formerly propounded between the ſaid Kings: Whereas in truth, the ſaid Emperor and King of *Spain*, or either of them, never really intended ſuch reſtitution as aforeſaid, and whereas the ſaid King of *Spain* never really intended the Marriage according to thoſe Articles propounded, but the ſaid Emperor and the King of *Spain*, intended only by thoſe Treaties, to gain time to compaſs their own ends and purpoſes, to the detriment of this Kingdom, (of all which, the ſaid Earl of *Briſtol* neither was nor could be ignorant,) the ſaid late King *James* by entertaining thoſe Treaties and continuing them upon thoſe falſe Aſſurances given unto him by the ſaid Earl, as aforeſaid, was made ſecure and loſt the opportunity of time, and thereby the ſaid Dominions, Territories, and Poſſeſſions of the ſaid Count *Palatine*, and the Electoral Dignity be-

Articles againſt the Earl of *Briſtol*.

An. 1626. become utterly loſt; and ſome parts thereof were taken out of the actual poſſeſſion of the ſaid King *James*, unto whoſe protection and ſafe keeping they were put, and committed to the ſaid Count *Palatine*; and the moſt Excellent Lady *Elizabeth* his Wife, and their Children, are now utterly diſpoſſeſſed and bereaved thereof, to the high diſhonor of our ſaid late Sovereign Lord King *James*, to the diſheriſon of the ſaid late Kings Children, and their Poſterity, of their antient patrimony, and to the diſadvantage and diſcouraging of the reſt of the Princes of *Germany*, and other Kings and Princes in Amity and League with his Majeſty. A

II. That the ſaid Earl of *Briſtol* being Ambaſſador for his late Majeſty King *James*, as aforeſaid, *in Annis ſupradictis*, and having received perfect, plain, and particular Inſtructions and directions from his ſaid late Majeſty, that he ſhould put the King of *Spain* to a ſpeedy and punctual Anſwer, touching the Treaties aforeſaid: And the ſaid Earl well underſtanding the effect of thoſe Inſtructions and Directions ſo given unto him, and taking preciſe knowledge thereof; and alſo knowing how B much it concerned his late Majeſty in honor and ſafety (as his great Affairs then ſtood) to put theſe Treaties to a ſpeedy concluſion: Yet nevertheleſs he the ſaid Earl, falſly, willingly, and traiterouſly, contrary to his Allegiance, and contrary to the truſt and duty of an Ambaſſador, continued thoſe Treaties upon Generalities, without effectual preſſing the ſaid King of *Spain* unto particular Concluſions, according to his Majeſties Directions as aforeſaid; and ſo the ſaid Earl intended to have continued the ſaid Treaties upon Generalities, and without reducing C them to Certainties and to direct Concluſions, to the high diſhonour of his ſaid late Majeſty, and to the extreme danger and detriment of his Majeſties perſon, his Crown, and Dominions, Confederates, and Allies.

III. That the ſaid Earl of *Briſtol* being Ambaſſador for his ſaid late Majeſty as aforeſaid, in the years aforeſaid, to the intent to diſcourage the ſaid late King *James*, for the taking up of Arms, entring into Hoſtility with the ſaid King of *Spain*, and for reſiſting him and his Forces, from D attempting the Invaſion of his ſaid late Majeſties Dominions, and the Dominions of his ſaid late Majeſty's Confederates, Friends, and Allies; the ſaid King of *Spain* having long thirſted after an Univerſal Monarchy in theſe Weſtern parts of the World, hath many times both by words and Letters to the ſaid late King and his Miniſters, extolled and magnified the greatneſs and power of the ſaid King of *Spain*, and repreſented unto his ſaid late Majeſty, the ſuppoſed dangers which would enſue unto him, if a War ſhould happen between them; and affirmed and inſinuated unto his E ſaid late Majeſty, That if ſuch a War ſhould enſue, his ſaid late Majeſty during the reſt of his life, muſt expect neither to Hunt nor Hawk, nor eat his Meat in quiet: Whereby the ſaid Earl of *Briſtol* did cunningly and traiterouſly ſtrive to retard the Reſolutions of the ſaid late King, to declare himſelf an enemy to the ſaid King of *Spain* (who under colour of Treaties and Alliances, had ſo much abuſed him) and to reſiſt his Arms and Forces, to the loſs of opportunity of time, which cannot be recalled or regained, and to the extreme danger, diſhonor, and detri- F ment of this Kingdom.

IV. The ſaid Earl of *Briſtol* upon his diſpatch out of this Realm of *England*, in his Ambaſſage aforeſaid, having communication with divers perſons of *London*, within this Realm of *England* before his going into *Spain*, in and about his Ambaſſage concerning the ſaid Treaty: For the

Negotiation

2 Caroli.

Negotiation whereof, the ſaid Earl purpoſly was ſent; and he the ſaid Earl being then told, that there was little probability that theſe Treaties would or could have any good ſucceſs, he the ſaid Earl acknowledged as much; and yet nevertheleſs, contrary to his duty and alleagiance, and to the faith and truth of an Ambaſſador, he the ſaid Earl ſaid and affirmed, That he cared not what the ſucceſs thereof would be; for he would take care to have his Inſtructions, and purſue them punctually; A and howſoever the buſineſs went, he would make his Fortune thereby, or uſed words at that time to ſuch effect; whereby it plainly appeareth, That the ſaid Earl, from the beginning herein, intended not the Service or honour of his late Majeſty, but his own corrupt and ſiniſter ends, and for his own advancement.

V. That from the beginning of his Negotiation, and throughout the whole managing thereof, by the ſaid Earl of *Briſtol*, and during his ſaid Ambaſſage, He the ſaid Earl, contrary to his faith, and duty to God, the B true Religion profeſſed by the Church of *England*, and the peace of this Church and State, did intend and reſolve, that if the ſaid Marriage ſo Treated of as aforeſaid, ſhould by his Miniſtry be effected; that thereby the Romiſh Religion and Profeſſors thereof ſhould be advanced within this Realm, and other his Majeſties Realms and Dominions, and the true Religion and profeſſors thereof diſcouraged and diſcountenanced. And to that end and purpoſe, the ſaid Earl during the time aforeſaid, by Letters unto his late Majeſty, and otherwiſe, often counſelled and perſwaded his ſaid late Majeſty to ſet at liberty the Jeſuits and Prieſts of the C Romiſh Religion; which, according to the good, Religious and Publick Laws of this Kingdom, were impriſoned or reſtrained, and to grant and to allow unto the Papiſts and Profeſſors of the Romiſh Religion, free Toleration and ſilencing of all the Laws made, and ſtanding in force againſt them.

V I. That by the falſe Informations and Intelligence of the ſaid Earl of *Briſtol* during the time aforeſaid unto his ſaid late Majeſty, and to his D Majeſty that now is, (being then Prince) concerning the ſaid Treaties; and by the Aſſurances aforeſaid given by the ſaid Earl, his ſaid late Majeſty, and the Prince his now Majeſty being put in hopes, and by the ſaid long delay uſed, without producing any effect, their Majeſties being put into jealouſies and juſt ſuſpicion, that there was no ſuch ſincerity uſed towards them as they expected, and with ſo many Anſwers from the Earl had on their part been undertaken, the ſaid Prince our now gracious Sovereign, was inforced, out of his love to his Countrey, to his E Allies, Friends, and Confederates, and to the Peace of Chriſtendom, who all ſuffered by thoſe intollerable delays, in his own perſon to undertake his long and dangerous journey into *Spain*, that thereby he might either ſpeedily conclude thoſe Treaties, or perfectly diſcover, that on the Emperors and the King of *Spains* part there was no true and real intention to bring the ſame to concluſion, upon any fit and honorable terms and conditions, and did abſolutely and ſpeedily break them off. By which journey, the perſon of the ſaid Prince being then Heir-Apparent F to the Crown of this Realm, and in his perſon, the peace and ſafety of this Kingdom, did undergo ſuch apparent, and ſuch inevitable danger, as at the very remembrance thereof, the hearts of all good Subjects do even tremble.

II. *Offences*

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II. *Offences done and committed by the ſaid Earl during the time of the Princes being in* Spain.

VII. THat at the Princes coming into *Spain*, during the time aforeſaid, the Earl of *Briſtol*, cunningly, falſly, and traiterouſly moved and perſwaded the Prince, being then in the power of a foreign King of the Romiſh Religion, to change his Religion, which was done in this manner. At the Princes firſt coming to the ſaid Earl, he asked the Prince for what he came thither? the Prince at firſt not conceiving the Earls meaning, anſwered, You know as well I. The Earl replied, Sir, Servants can never ſerve their Maſters induſtriouſly, although they may do it faithfully, unleſs they know their meanings fully. Give me leave therefore to tell you what they ſay in the Town is the cauſe of your coming, That you mean to change your Religion, and to declare it here. And yet cunningly to diſguiſe it, the Earl added further. Sir, I do not ſpeak this, that I will perſwade you to do it; or that I will promiſe you to follow your Example, though you will do it; but as your faithful Servant, if you will truſt me with ſo great ſecret, I will endeavor to carry it the diſcreeteſt way I can. The Prince being moved at this unexpected motion again, ſaid unto him, I wonder what you have ever found in me, that you ſhould conceive I would be ſo baſe and unworthy, as for a wife to change my Religion. The ſaid Earl replying, he deſired the Prince to pardon him, if he had offended him, it was but out of his deſire to ſerve him. Which perſwaſions of the ſaid Earl was the more dangerous, becauſe the more ſubtile: whereas it had been the Duty of a faithful Servant, to God and his Maſter, if he had found the Prince ſtaggering in his Religion, to have prevented ſo great an error, and to have perſwaded againſt it, ſo to have avoided the dangerous conſequence thereof to the true Religion, and to the State, if ſuch a thing ſhould have happened.

VIII. That afterwards during the Princes being in *Spain*, the ſaid Earl having conference with the ſaid Prince about the Romiſh Religion, he endeavored falſly and traiterouſly to perſwade the Prince to change his Religion, and to become a Romiſh Catholick, and to become obedient to the uſurped Authority of the Pope of *Rome*: and to that end and purpoſe, the ſaid Earl traiterouſly uſed theſe words unto the ſaid Prince, That the State of *England* never did any great thing, but when they were under the obedience of the Pope of *Rome*, and that it was impoſſible they could do any thing of note otherwiſe.

IX. That during the time of the Princes being in *Spain*, the Prince conſulting and adviſing with the ſaid Earl, and others about a new offer made by the King of *Spain* touching the *Palatinates* Eldeſt Son to marry with the Emperor's Daughter, but then he muſt be bred up in the Emperor's Courts; the ſaid Earl delivered his opinion, That the Propoſition was reaſonable; whereat when Sir *Walter Aſton* then preſent, falling into ſome paſſion, ſaid, That he durſt not for his head conſent to it; the Earl of *Briſtol* replied, that he ſaw no ſuch great inconvenience in it; for that he might be bred up in the Emperors Court in our Religion.

2 *Caroli.*

on. But when the extreme danger, and, in a manner, the impoſſibility thereof, was preſſed unto the ſaid Earl, he ſaid again, That without ſome great action, the Peace of Chriſtendom would never be had; which was ſo dangerous, and ſo deſperate a Counſel; that one near the Crown of *England* ſhould be poiſoned in his Religion, and become an unfriend to our State, that the conſequences thereof, both for the preſent and future times, were infinitely dangerous; and yet hereunto did his A diſaffection to our Religion, the blindneſs in his judgment, miſled by his ſiniſter reſpects, and the too much regard he had to the Houſe of *Auſtria*, lead him.

III. *Offences done and committed by the ſaid Earl after the Prince's coming from* Spain.

B

X. THat when the Prince had clearly found himſelf and his Father deluded in theſe Treaties, and hereupon reſolved to return from the Court of *Spain*; yet becauſe it behoved him to part fairly, he left the powers of the *Deſponſories* with the Earl of *Briſtol*, to be delivered upon the return of the Diſpenſation from *Rome*, which the King of *Spain* in- C ſiſted upon; and without which, as he pretended, he would not conclude the Marriage. The Prince foreſeeing and fearing leſt after the *Deſponſories*, the *Infanta* that ſhould then be his Wife, might be put into a Monaſtery, wrote a Letter back to the ſaid Earl from *Segovia*, thereby commanding him not to make uſe of the ſaid Powers, until he could give him aſſurance, that a Monaſtery ſhould not rob him of his Wife; which Letter the ſaid Earl received, and with ſpeed returned an Anſwer thereto in *England*, perſwading againſt this Direction, yet promiſing obedi- D ence thereunto. Shortly after which, the Prince ſent another Letter to the ſaid Earl into *Spain*, diſcharging him of his Father's Command. But his late Majeſty, by the ſame Meſſenger, ſent him a more expreſs direction, not to diſpatch the *Deſponſories*, until a full concluſion were had of the other Treaty of the *Palatinate*, with this of the Marriage; for his Majeſty ſaid, That he would not have one Daughter to laugh, and leave the other Daughter weeping. In which Diſpatch, although there were ſome miſtaking, yet in the next following, the ſame was corrected, and the E Earl of *Briſtol* tied to the ſame reſtriction, which himſelf confeſſed in one of his Diſpatches afterwards, and promiſed to obey punctually the King's command therein; yet nevertheleſs, contrary to his Duty and Allegiance, in another Letter ſent immediately after, he declared, That he had ſet a day for the *Deſponſories*, without any aſſurance, or ſo much as treating of thoſe things which were commanded to him as Reſtrictions; and that ſo ſhort a day, that if extraordinary diligence, with good ſucceſs in the Journey, had not concurred, the Prince's hands might have been bound up; and yet he neither ſure of a Wife, nor F any aſſurance given of the Temporal Articles. All which, in his high preſumption, he adventured to do, being an expreſs breach of his Inſtructions; and if the ſame had not been prevented by his late Majeſty's vigilancy, it might have turned to the infinite diſhonour and prejudice of his Majeſty.

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XI. Laſtly, That he hath offended in a high and contemptuous manner, in preferring a ſcandalous Petition to this Honorable Houſe, to the diſhonor of his Majeſty of bleſſed memory, deceaſed, and of his Sacred Majeſty that now is, which are no way ſufferable in a Subject towards his Sovereign; and in one Article of that Petition ſpecially, wherein he gives his now Majeſty the Lie, in denying and offering to falſifie that Relation which his Majeſty affirmed, and thereunto added many things of his own remembrance to both Houſes of Parliament. A

ROBERT HEATH.

The Earl of *Briſtol*, upon the Attorney-General's accuſing him of High-Treaſon, thus expreſt himſelf.

The Earl of *Briſtol*'s expreſsions at the time of his Accuſation.

"THat he had exhibited his Petition to the Houſe, *April* 19. that he B
"might come up and be heard in his Accuſation of the Duke of
"*Buckingham*, and that thereupon, he being a Peer of this Realm, is now
"charged with Treaſon. That he had heretofore informed the late
"King of the Duke's unfaithful ſervice, and thereupon the Duke labour-
"ed, that he might be clapt up in the *Tower* preſently upon his return
"out of *Spain*: That he importuned the late King, that he might be
"heard before himſelf, and his Majeſty promiſed it; I pray God (ſaid
"he) that that promiſe did him no hurt, for he died ſhortly after: And C
"for the King's promiſe, he vouched the Lord Chamberlain for a Wit-
"neſs; and he deſired the Lords to take notice, that their Houſe was
"poſſeſſed already of his ſaid Petition, and of his Accuſation of the ſaid
"Duke: And therefore deſired firſt, that they would receive his Charge
"againſt the Duke and the Lord *Conway*, and not to invalid his Teſti-
"mony againſt them by the King's Charge againſt him; and that he
"might not be impeached, till his Charge of ſo high a nature be firſt
"heard. D

"So he tendred to the Houſe the Articles againſt the Duke, which
"the Clerk received, and he withdrew, and his Petition exhibited the
"19. of *April*, was read; and the Lords reſolved upon the Queſtion,
"That the ſaid Earl's Charge againſt the Duke of *Buckingham*, and the
"Lord *Conway*, ſhould be preſently read.

The Earl being ſhortly after called in again to the Bar of the Lord's Houſe, concerning his Articls againſt the Duke, made this Speech. E

The Earl of *Briſtol*'s ſpeech at the Bar of the Lords Houſe, at the delivery of his Articles againſt the Duke.

"FIrſt, he craved pardon of their Lordſhips for his earneſt Speeches
"the other day, confeſſing them to have been in paſſion, ſaying, That
"unexpected accuſation of Treaſon would warm any honeſt heart, but
"would hereafter mend it. Then he rendred their Lordſhips humble
"thanks, for their manner of proceeding againſt him; and deſired to F
"know from Mr. Attorney, whether that were his whole Charge or
"not. Mr. Attorney anſwered, That he had commandment to open
"no more againſt him; peradventure upon the opening of the Charge,
"ſome particulars might ariſe, and be urged, but no new matter
"ſhould.

"Then

2 *Caroli.*

"Then the Earl deſired to know of Mr. Attorney, who was the Rela-
"tor to his Charge, and that he might underſtand who was his Accuſer.
"Mr. Attorney anſwered, That the King himſelf, out of his own mouth,
"had given him directions for his own Relation againſt him, and cor-
"rected many things that were added. Unto which the Earl anſwered,
"That he would not conteſt with the King, neither did it beſeem him
"ſo to do; neither eſteemed he his life or his fortunes ſo much, as to ſave
A "them by conteſting with his Sovereign; and therefore would make no
"Reply or Anſwer, were it not that his Religion and Honor were joynt-
"ly queſtioned with his life; but this being to deſcend to his Poſterity,
"for their ſakes he was an humble ſuitor unto his Majeſty, that he would
"not take indignation at his own juſt defence, yet would he be ready to
"make any humble ſubmiſſion to his Majeſty; and heartily deſired
"ſome means might be made, that he might make it perſonally to him-
"ſelf, wherein he would ſubmit himſelf moſt willingly to ſome ſuch
B "act of humiliation and ſubmiſſion, (not wronging his innocency) that
"never Subject did towards his Sovereign: And alſo that his Majeſty
"would be pleaſed to ſet himſelf in his Throne of Juſtice, and declare
"out of his Royal Juſtice, that he would have the Duke and him upon
"equal terms, and that neither of their cauſes ſhould be advanced be-
"fore others.

"Theſe were his humble Petitions, which he beſought their Lord-
"ſhips to preſent unto his Majeſty, and to take into their conſiderati-
C "ons, of how dangerous a conſequence it would be, if the King ſhould
"be Accuſer, Judge, Witneſs, and ſhould have the Confiſcation. As
"touching the Charge againſt him, he ſaid, He had once anſwered it all,
"except that of his Petition; and he doubted not but to clear himſelf
"before their Lordſhips of every particular of it. He ſaid, He expect-
"ed not to have heard of this again, having once anſwered it: He ra-
"ther expected to have been charged with ſome practiſe with *Spain* a-
"gainſt the State; or the receipt of Ten or Twenty thouſand pounds,
D "for the perſwading and procuring of the delivery up of ſome Town,
"of which the Crown was in poſſeſſion, as might be the Town of *Fluſh-*
"*ing*, the *Brill*, or the like; or for being the means of lending the King's
"Ships to a Foreign Nation, and that againſt thoſe of our own Religi-
"on; or for revealing his Majeſty's higheſt Secrets, which none above
"two or three dares know; or for threatning the greateſt affairs, as it
"were by his own Authority, without formal Inſtructions in the points;
"for having taken Rewards, or been corrupted by a Foreign Prince;
E "or to have broken his Inſtructions in any Eccleſiaſtical point; or, as
"the Law calleth it, to have committed an over Act of diſloyalty, and
"not to be charged after ſeven Ambaſſages with Diſcourſes and Infe-
"rences.

"Then he deſired their Lordſhips, that he might have a Copy of his
"Charge in writing, and time allowed him for his Anſwer, and Counſel
"aſſigned him to plead his Cauſe; and ſaid, There was a great diffe-
"rence between the Duke of *Buckingham* and him; for the Duke was
F "accuſed of Treaſon, and yet at large, and in the King's favour; and he
"being accuſed but of that which he had long ſince anſwered, was a
"Priſoner: And therefore he moved, that they might be put in equal
"condition.

A

n. 1626.

"And as touching the Lord *Conway*, in as much as he had given in "Articles againſt him, he deſired his Lordſhip he might not meddle in "that particular buſineſs, or uſe the King's name againſt him *ex officio*; "he alſo beſought their Lordſhip's to be ſuitors to his Majeſty on his "behalf, that all the particular Diſpatches of his own Ambaſſages, and "Sir *Walter Aſton*'s might be brought thither, and that he might make "uſe of them for his defence, as his Evidence: Then he deſired their "Lordſhip's, not to think it tedious for him to proceed, and lay open "his Caſe unto them: Which being granted, he began as followeth. A

He lays open his Caſe to the Parliament.

"HE ſaid, That he had the honour to ſerve the late King his Maſter, "of happy memory, for the ſpace of twenty years, and a long "time as a Counſellor, and in ſeven Foreign Ambaſſages: In all which "time, in point of his Negotiation, he had never received one check or B "rebuke, until the return of the Duke of *Buckingham* out of *Spain*; "and therefore from thence he would begin his preſent Narration.

"The very day that his Majeſty departed from *Spain*, he was pleaſed "to tell him, That he had no ways offended him, but did him the ho- "nour to truſt him with the cuſtody of the powers for his Marriage; and "after his return into *England*, wrote unto him ſome Letters, which did "in no kind expreſs any diſtruſt or diſpleaſure againſt him. About the C "ſame time he wrote unto his Majeſty ſeveral Letters, as in duty he was "bound, not for any earthly reſpect whatſoever, to conceal from him "the true eſtate of his affairs; in which Letter he ſet down truly and "honeſtly, That he conceived, that the diſtaſtes grown there betwixt "the King of *Spain* and his Miniſters, and the Duke of *Buckingham*, "would diſorder and utterly overthrow all his affairs, if his wiſdom "prevented it not, *hinc illæ lachrymæ*: The Duke of *Buckingham* got a "ſight and knowledge of the Letters; and fearing leſt the Earl, at his D "return, ſhould diſcover unto his ſaid late Majeſty his practiſes and miſ- "demeanors in *Spain*, he reſolved, That his acceſs to the King was no "ways to be admitted, and therefore laboured and endeavoured, that he "might be committed to the *Tower*, preſently upon his arrival; and con- "ceiving that the Lord Marquis *Hamilton*, in regard of his Friendſhip "with the Earl, and the Alliance which was then intended between "them, might oppoſe his courſe, he earneſtly preſſed him therein, and "moved him to deal with my Lord Chamberlain to the ſame purpoſe, E "vowing, That there was no hurt intended to the Earl, but onely that "he feared, that if he ſhould be admitted to the King, he would croſs "and diſturb the courſe of affairs: But they were ſo honourable, that "neither of them would condeſcend thereunto; and ſo that intention "of his took no effect: And therein the Earl deſired my Lord Chamber- "lain, that he would be pleaſed, upon his Honour, to deliver his "knowledge.

The Lord Chamberlain atteſts the truth of what the Earl had ſaid.

"This deſign of the Duke not taking, he fell upon other things, in- F. "deed to have frightned the Earl out of his Country and Honor; and "thereupon laid ſome great and ſiniſter aſperſions upon him in both "Houſes of Parliament, thinking thereby to have terrified him, that he "ſhould not return, ſaying, That if he kept not himſelf where he was,

"and

2 Caroli.

"and laid hold of thoſe great offers which he heard were made unto him "in *Spain*, it would be worſe with him.

Then the Earl of *Briſtol* proceeded, and ſaid,

The Earl proceeds.

"That the knowledge of theſe aſperſions caſt upon him in the Parlia- "ment, came firſt unto him at *Burdeaux* in *France*, where he was com- A "ing home at leiſure in the company of his Wife and Family, having for- "merly ſent a Poſt of purpoſe to the Lord *Conway*, to know if his ſpee- "dy return would be any way uſeful to his Majeſty's ſervice: Who an- "ſwered him, that he might very well return at leiſure with his Fami- "ly. And in the mean time he was fallen upon by the Duke of *Buck-* "*ingham* in Parliament, in ſuch ſort as your Lordſhip's well remember; "of whoſe Declaration, he ſaid, he would boldly affirm unto their Lord- B "ſhips, that there was ſcarce any one thing concerning him in it, which "was not contrary to, or different from the truth.

"From *Burdeaux* the Earl took Poſt, making haſt, for that he hoped "to clear his Honour in Parliament before it ſhould break up; and be- "ing arrived at *Calais*, he ſent over to have one of the King's Ships, for "which there was publick order given: but although both Wind and "Weather were as fair as could be, and the King's Ship's lay at *Boloigne*, "having carried over Count *Mansfield*, and might every day within C "three hours have been with him, yet the Ship came not in eight dayes "expectance; ſo that the Earl, fearing the Parliament would be diſſol- "ved, was enforced to paſs the Sea in a Boat with ſix Oars, as he did, ha- "ving with him Thirty or forty thouſand pounds of the King's Jewels.

"Upon his landing at *Dover*, hoping that if his Arreſt ſhould have "been deferred till his coming to *London*, he might have gotten directly "to the King's preſence, which the Duke reſolved was by no means to be "admitted: The Earl was there, by a Letter of the Lord *Conway*'s, deli- D "vered unto him by a Servant of his, in his Majeſty's name, commanded "to retire himſelf to his houſe, and not to come to the Court, or the "King's preſence, until he ſhould have anſwered to certain Queſtions, "which his Majeſty would appoint ſome of the Lords of the Council to "ask him. Hereupon he ſent preſently to his Majeſty, who ſent him "word, That his reſtraint was neither for any ill meaning unto him, nor "that it ſhould laſt long, but was intended for his good, to keep the "Parliament from falling violently upon him. And the ſame reaſon the "Duke alledged to ſome of his friends: and all thoſe his troubles, which E "have followed upon his firſt reſtraint, have been procured by the "Duke's Art under colour of Favour. But the Earl having received his "Meſſage from the King, became a moſt humble ſuitor unto his Maje- "ſty, that he would expoſe him to the Parliament; for that if he had "not ſerved him honeſtly in all things, he deſerved no favour, but to "be proceeded againſt with all ſeverity. And in this particular he "preſſed the King, as far as could ſtand with duty and good manners; F "but received anſwer from his Majeſty, That there ſhould but few more "days paſs, before he would put an end to his affairs. And about this "time the Parliament was diſſolved.

"He ſtill continued his ſollicitation to be admitted to the King's pre- "ſence; who ſent him word, and confirmed it by Oath, That as ſoon "as he ſhould have anſwered the Queſtions which the Commiſſioners "were to propound to him, he would both ſee him and hear him, and "wondred that he ſhould ſo much doubt thereof. He then ſollicited

"with

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"with all earneſtneſs to have the Queſtions ſent unto him, which was promiſed ſhould be within few days. In the interim, his Majeſty being deſirous, that the buſineſs ſhould have been accommodated, ſent ſecretly "to him by a Gentleman (who is ready to depoſe it) this Meſſage; "*That he ſhould write a fair Letter to the Duke, and leave the reſt to him.* "Hereupon the Duke ſent a Gentleman (one Mr. *Clark*) with fair Propoſitions, offering to procure him whatſoever he could reaſonably pretend; only he muſt not be admitted to the King's preſence for ſome A "time; and that the Duke would have the diſpoſing of his *Vice-Cham-* "*berlain*'s place, having been therein formerly engaged. The Earl told "the Gentleman, That to condeſcend to any ſuch courſe, were joyntly "to confeſs himſelf faulty in ſome kind, which he would not do for any "reſpect in the world; and let him know the great wrong that the Duke "had already done him; and therefore it would be more honourable "for him to procure ſome reparation, than to preſs him further. Moreo- "ver, not by way of Meſſage, but by way of Information of the ſaid Mr "*Clark*, he let him know, how fit it were for the Duke not to preſs theſe B "things, who could not but be conſcious of his own Faults, and knew "his Innocency; and withall ſhewed him a Paper that he had made "ready for the King, containing the Particulars wherein the Duke had "diſparaged him.

"Mr. *Clark* making the Duke acquainted herewith, the Duke wrote "a Letter the next day to the Earl, bearing date 7 *Julii*, telling him, "That he had willingly intended the accommodation of his affairs; but "by what he had now ſaid to Mr. *Clark*, he was diſobliged, unleſs he C "ſhould be pleaſed to relent it. Whereupon the Earl anſwered with that "directneſs he thought befitting him in point of Honor. The courſe of "Mediation was interrupted, and the Duke ſo far incenſed, that he ſwore "he would have him queſtioned for his life. In the Interim (which the "Earl deſired might be known to the Lords) his late Majeſty was ſo far "from thinking him a Delinquent, or any way diſhoneſt, that he was of- "ten heard to ſay and ſwear, That he held him an honeſt man, and "that he would anſwer for him, that he had neither committed Felony D "nor Treaſon. And this divers are ready to depoſe. The which he well "confirmed, for that he gave general leave to all Gentlemen of the "Court, Privy-Counſellors, and to his Secretary of State, to have free "acceſs unto him; yea, even ſo far, as to admit of Viſits and Entercour- "ſes with *Spaniſh* Ambaſſadors, and the *Padre Maeſtre*, as is beſt known "to my Lord *Conway*, by whoſe Letter he received his Majeſty's leave in "that particular.

"Then he reſumed the ſtate of his buſineſs where he left it, which was E "in the hands of the Commiſſioners, and they were to frame Interroga- "tories for him; the which, although they had promiſed ſhould be ſent "him within a few days, yet ſuch Art was uſed, that ſix or ſeven weeks "were ſpent in the framing of them, to the end that his Majeſty's Pro- "greſs beginning, there might be no means for the further clearing of the "buſineſs: And ſo ſuppoſing, that for the Anſwering of the Twenty Inter- "rogatories of ſo high a nature, the Earl would take ſome time, they "cauſed the ſaid Interrogatories to be delivered unto him within a few F "days before the beginning of the Progreſs; but he uſed ſo much dili- "gence, that he made ready to anſwer *in perſona*, though it were in the "nature of a Delinquent. Unto which his Majeſty anſwered moſt graci- "ouſly, That out of his favour, and for that he would not do him wrong,

"he

2 Caroli.

" he would not admit of it, but that he ſhould ſend his Anſwer, and he
" would inſtantly put an end to his buſineſſes; as will appear by Letters.
" Hereupon the Duke was put into a great ſtrait how to keep him any
" longer from his Majeſty, but deſired that onely a few Queſtions more
" might be asked of him; which the King, upon great urging and in-
" ſtance, condeſcended unto, ſo that the Queſtions might be preſently
" ſent him: But herein were ſuch Artifices uſed, that the bringing of any
" was delayed until the King had begun his Progreſs; and then, within
A " a day or two, the Lord *Conway* ſent him word, That he had order in-
" deed for the ſending of him ſome more Queſtions, but out of his affecti-
" on to him he forbore the ſending of them, unleſs he ſhould preſs for
" them. Whereupon the Earl inſtantly wrote unto him, that they might
" be ſent unto him. My Lord *Conway* made him anſwer by his Letter,
" That he wiſhed rather the courſe of Mediation might be purſued, for
" that would but further exaſperate; but if he would needs have the
B " Queſtions, they ſhould be ſent to him. Whereupon he ſent to ſolli-
" cite his Lordſhip for them with all earneſtneſs, inſomuch as to petition
" his late Majeſty twice, that the ſaid Queſtions might be ſent: But
" when the turn was ſerved of keeping him from the King's preſence, the
" ſaid Queſtions were never more heard of till this day.

" So likewiſe the Earl having ſent his Anſwer to all the Commiſſio-
" ners, who moſt of them made not nice to declare, that they were fully
" ſatisfied; and when it was perceived that the Commiſſioners would
C " certainly clear him, and that he thereby ſhould be reſtored unto his
" Majeſty's favour, they were never more permitted to meet: A pro-
" ceeding which, as he conceived, their Lordſhip's would think hardly
" to be parallel'd, that a Commiſſion ſhould be appointed to condemn,
" if there had been cauſe, but not to clear.

" After the Progreſs was ended, he began again to ſollicite his Majeſty,
" and wrote particularly unto the Duke of *Buckingham*. Whereupon the
" Duke was pleaſed to ſend four or five Propoſitions, which he deſired
D " he ſhould acknowledge; the which Propoſitions contained nothing but
" what had been already propounded and ſatisfied in the former Inter-
" rogatories: And if he would make his acknowledgment, he then
" promiſed to imploy his force and power with the King and Prince, that
" he ſhould be admitted to kiſs their hands, and be received into their
" gracious favour; but otherwiſe, in a menacing ſort, That he ſhould
" lay his hands upon his breaſt, and ſo that would be beſt for him.
" And in the Preface of the ſaid Propoſitions, he writeth theſe words
E " which follow, *It is an aſſertion not granted, that the Earl of* Briſtol, *by*
" *his Anſwer had ſatisfied either the King, the Prince, or me of his Innocen-*
" *cy.* A preſumptuous commination for any Subject.

" But theſe Propoſitions were ſo unjuſt, that he wrote unto the
" Duke, that inſtead of an acknowledgment, he had ſent him an Anſwer
" unto them; unto which, if either himſelf, or any man living, was able to
" reply, he would ſubmit himſelf to any thing that ſhould be demanded.
" But this no way ſatisfied the Duke, although it did his late Majeſty,
F " who, in the Duke's preſence, ſaid, *I were to be accounted a Tyrant, to en-*
" *joyn an innocent man to confeſs faults, of which he was not guilty.* And
" thereupon ſent him word, That he ſhould make his Anſwer, but ac-
" knowledge nothing he was not faulty in. And although he received
" this Meſſage from the King's own mouth, as will be depoſed, yet the
" Duke at the ſame time wrote unto him, That the concluſion of all that

" had

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" had been treated with his Majeſty, was, That he ſhould make the Ac-
" knowledgment in ſuch manner, as was ſet down in this Paper. And at
" this time likewiſe it was, that his Majeſty ſent him word, That he would
" hear him concerning the D. of *Buckingham*, as well as he had heard the
" Duke concerning him. And this was not long before his Majeſty's ſick-
" neſs: And in the interim, as he had heard by ſeveral ways, the King
" ſuffered much, and was infinitely preſſed by the Duke concerning the
" ſaid Earl and his affairs; and this, he ſaid, was the ſuffering he had A
" ſpoken of to their Lordſhips the other day.

" The Earl craved leave of their Lordſhips to ſpecifie ſome other par-
" ticulars, whereby it ſhould appear, that his Majeſty was in no kind ill-
" opinion'd of him till his dying-day; *viz.* That ſeveral perſons will de-
" poſe, that they have heard his Majeſty ſay, That he eſteemed him an
" honeſt man; and that he was pleaſed to accept of Toys by way of Pre-
" ſent from him, graciouſly, and in good part; and at laſt was likewiſe plea-
" ſed to give him leave to come to *London*, and to follow his own affairs; B
" and that his pleaſure was ſignified unto him by the Duke his own Let-
" ter. Whereupon he determined to come to *London*, intimated to the
" Duke his intention of going to his Lodging at *Whitehall*; but the Duke
" was therewith incenſed again, and ſaid, He miſtook the King's mean-
" ing, which was, that he might privately follow his own buſineſs. And
" this, he ſaid, was the true ſtate and condition, when it pleaſed God to
" take unto his mercy his late moſt gracious Majeſty.

" Upon his Majeſty's coming to the Crown, he ſaid, He wrote a moſt C
" humble Letter unto his Majeſty, imploring his grace and goodneſs, and
" deſiring the Duke's Mediation. But he was pleaſed to anſwer by his
" Letter of 7 *Maii*, 1625. That the reſolution was to proceed againſt him,
" without a plain and direct confeſſion of the point which he had former-
" ly required him to acknowledge; and in a Courtly manner of menace
" telleth him, That he would take the freedom to adviſe him, to bethink
" himſelf in time what would be moſt for his good. But in the interim,
" his Majeſty was graciouſly pleaſed, that his Writ of Parliament ſhould D
" be ſent him; and thereupon he wrote unto the Duke of the receipt of
" the ſaid Writ, but that he ſhould do nothing but what he ſhould under-
" ſtand to be moſt agreeable to his Majeſty's pleaſure. Whereunto the
" Duke anſwered, in his Letter of *May*, in this manner: *I have acquainted*
" *his Majeſty with your requeſts towards him, touching our Summons to the*
" *Parliament, which he taketh very well, and would have you rather make ex-*
" *cuſe for your abſence, notwithſtanding your Writ, than to come your ſelf in*
" *perſon*. Whereupon he ſent humbly to deſire a Letter of leave under his E
" Majeſty's hand for his Warrant; but inſtead thereof, he received from
" the L. *Conway* an abſolute prohibition, and to reſtrain and confine him in
" ſuch ſort, as he hath been in the late King's time: and though he was in-
" deed abſolutely ſet free, he could never get clear'd by the L. *Conway*,
" though he ſent him all the Papers to examine; and when he could make
" no further reply, he ſaid, He conceived he was under reſtraint, and that
" his Liberty expired with the late King's death; when indeed Reſtraint
" may expire, but Liberty is natural. After this, he continued for the F
" ſpace of three quarters of a year in the Countrey without moving, in
" which time he was removed from thoſe places and Offices he held, during
" his late Majeſties life; and the greateſt part of his Eſtate being laid
" out in their Majeſties ſervice, by their particular appointment, he
" could never be admitted ſo much as to the clearing of Accompts. Yet

" hereof

2 *Caroli.*

" hereof he made the leaſt complaint: But againſt the time of his Ma-
" jeſties Coronation, he thought it fit to lay hold of that occaſion, when
" Princes do Acts of grace and favor, to be a moſt humble Suitor to his
" Majeſty for his grace and goodneſs; and addreſſed his Letters unto
" the Duke of *Buckingham*, from whom he received a Letter all written
" in his own hand, and therein a Letter incloſed from his Majeſty, ſo dif-
" ferent from ſome gracious Meſſage which he had received from his Ma-
A " jeſty ſince the ſaid Earl returned into *England*, upon the occaſion of a
" great ſickneſs; and likewiſe from his ſpeeches ſeveral times delivered
" to his Wife, to wit, That he had never offended him, and that for his
" faults he no ways held them criminal, but to be expiated by an eaſie
" acknowledgment; That he confeſſed he knew not what judgment to
" make of the ſaid Letter, neither hath preſumed hitherto to make any
" Anſwer thereto; although by reducing the occaſion of ſpeeches, and
" circumſtances to his Majeſties memory, he no wayes doubteth but he
B " ſhall be able to give unto his Majeſty ſuch ſatisfaction to every parti-
" cular as his Majeſty would not remain with the leaſt ſcruple in any
" one point.

" After this he ſaid, that his Writ of Parliament was deteined; where-
" upon he addreſſed himſelf to the Lord Keeper, that he would be a Sui-
" tor to his Majeſty for him in that behalf: which diligences not taking
" effect, by Petition he became a Suitor to their Lordſhips for their Hono-
" rable mediation to his Majeſty, and thereupon his Writ of Parliament
C " was awarded: But the Duke of *Buckingham* upon that took occaſion, as
" as he had publiſhed Copies of the ſaid Letter over all the Kingdom, to
" read it likewiſe in that honourable Houſe, as was beſt known unto their
" Lordſhips, and the Writ was accompanied with a Prohibition from the
" Lord Keeper; whereupon he addreſſed himſelf for Juſtice to that Ho-
" norable Houſe, (being poſſeſſed of his Cauſe by his Petition) for both
" redreſs of his own wrongs, and likewiſe of Complaints againſt the
" Duke for many Crimes: And that Honorable Houſe being poſſeſſed
D " of his Cauſe by his Petition, there is preferred againſt him a ſucceeding
" Complaint amounting as high as Treaſon (as it is pretended) although
" he for divers years hath not been queſtioned; yet ſince his complaint
" againſt the Duke he hath been fetcht up like a Priſoner, and brought
" into the Houſe as a Delinquent; and the Duke, of whom he hath com-
" plained for his great Crimes, is admitted ſtill to ſit in the Houſe as one
" of his Judges. The which, with all that he hath formerly ſaid, toge-
" ther with his Life, Fortunes and Honor, he did with all willingneſs, hu-
E " mility and duty, ſubmit to the Juſtice and Honor of that Houſe.

Then the Lords asked him, when he would bring in his Anſwer? " He promiſed to anſwer as ſoon as might be, but knew not how far he " ſhould have occaſion to uſe his antient Diſpatches. The Lord " Keeper told him, that Mr. Attorney might help him by letting him " know it: The Attorney ſaid, that his Charge ſhould in nothing " look further back then to the year 1621. Which he deſired might be " recorded.

F " Whereupon the Earl thanking their Lordſhips for their patience, he " was carried away by Mr. *Maxwell* the Gentleman-Uſher, in whoſe " houſe and cuſtody he remained.

Then were read the Earls Articles againſt the Duke and the Lord *Conway*, viz.

An. 1626.

Articles of the Earl of Briſtol, *whereby he chargeth the Duke of* Buckingham, *bearing Date the Firſt day of* May, 1626.

The Earl of *Briſtol*'s Articles againſt the Duke.

I. THat the Duke of *Buckingham* did ſecretly combine with the Conde of *Gondomar* Ambaſſador for the King of *Spain*, before his the ſaid Ambaſſadors laſt return into *Spain*, in the Summer *An.* 1622. To carry his Majeſty (then Prince) into *Spain*, to the end he might be informed and inſtructed in the Roman Religion, and thereby have perverted the Prince, and ſubverted the true Religion, eſtabliſhed in *England*: From which miſery this Kingdom (next under Gods mercy) hath by the wiſe, religious, and conſtant carriage of his Majeſty, been almoſt miraculouſly delivered, conſidering the many bold and ſubtile attempts of the ſaid Duke in that kind. A B

II. That Mr. *Porter* was made acquainted therewith, and ſent into *Spain*; and ſuch Meſſages at his return framed, as might ſerve for a ground to ſet on foot this Conſpiracy; The which was done accordingly, and thereby the King and Prince highly abuſed, and their Conſents thereby firſt gotten to the ſaid Journey, that is to ſay, after the return of the ſaid Mr. *Porter*, which was about the end of *December*, or the beginning of *January* 1622. whereas the ſaid Duke had plotted it many months before. C

III. That the ſaid Duke, at his arrival in *Spain*, nouriſhed the Spaniſh Miniſters, not only in the belief of his own being Popiſhly affected, but did (both by abſenting himſelf from all Exerciſes of Religion conſtantly uſed in the Earl of *Briſtol*'s houſe, and frequented by all other Proteſtant *Engliſh*, and by conforming himſelf to pleaſe the *Spaniards* in divers Right of their Religion, even ſo far as to kneel and adore their Sacrament) from time to time give the *Spaniards* hope of the Prince his Converſion: The which Converſion he endeavoured to procure by all means poſſible: and thereby cauſed the Spaniſh Miniſters to propound far worſe Conditions for Religion, than had been formerly by the Earl of *Briſtol* and Sir *Walter Aſton*, ſetled and ſigned under their Majeſties hands, with a Clauſe in the King of *Spain*'s Anſwer of *December* 12. 1622. that they held the Articles agreed upon ſufficient, and ſuch as ought to induce the Pope to the granting of the Diſpenſation. D

IV. That the Duke of *Buckingham* having ſeveral times in the preſence of the Earl of *Briſtol* moved and preſſed his late Majeſty; at the inſtance of the Conde of *Gondomar*, to write a Letter unto the Pope, and to that purpoſe having once brought a Letter ready drawn, wherewith the Earl of *Briſtol*, by his Majeſty, being made acquainted, did ſo ſtrongly oppoſe the writing of any ſuch Letter, that during the abode of the ſaid Earl of *Briſtol* in *England*, the ſaid Duke could not obtain it; yet not long after the Earl was gone, he procured ſuch a Letter to be written from his ſaid late Majeſty unto the Pope, and to have him ſtiled [*Sanctiſſime Pater.*] E F

V. That the Pope being informed of the Duke of *Buckingham*'s inclination and intention in point of Religion, ſent unto the ſaid Duke a particular Bull in Parchment, for to perſwade and encourage him in the perverſion of his Majeſty then Prince.

VI. That

2 Caroli.

VI. That the ſaid Dukes behaviour in *Spain* was ſuch, that he thereby ſo incenſed the King of *Spain* and his Miniſters, as they would admit of no reconciliation, nor further dealing with him. Whereupon the ſaid Duke ſeeing that the Match would be now to his diſadvantage, he endeavoured to break it, not for any ſervice to the Kingdom, nor diſlike of the Match in it ſelf, nor for that he found (as ſince he hath pretended) that the *Spaniards* did not really intend the ſaid Match, but out of his particular ends and his indignation.

A

VII. That after he intended to croſs the Marriage, he put in practice divers undue courſes; as namely, making uſe of the Letters of his Majeſty (then Prince) to his own ends, and not to what they were intended; as likewiſe concealing divers things of high importance from his late Majeſty, and thereby overthrew his Majeſty's purpoſes, and advanced his own ends.

VIII. That the ſaid Duke, as he had with his skill and artifices formerly abuſed their Majeſties, ſo to the ſame end he afterwards abuſed both Houſes of Parliament by his ſiniſter Relation of the carriage of Affairs, as ſhall be made appear almoſt in every particular that he ſpake unto the ſaid Houſes.

B

IX. As for ſcandal given by his perſonal behaviour, as alſo the imploying of his power with the King of *Spain* for the procuring of Favors and Offices which he beſtowed upon baſe and unworthy perſons for the recompence and hire of his Luſt; Theſe things, as neither fit for the Earl of *Briſtol* to ſpeak, nor indeed for the Houſe to hear, he leaveth to your Lordſhips wiſdom how far you will be pleaſed to have them examined; It having been indeed a great Infamy and Diſhonour to this Nation, that a Perſon of the Dukes great quality and imployments, a Privy-Counſellor, an Ambaſſador, eminent in his Maſters Favour, and ſolely truſted with the Perſon of the Prince, ſhould leave behind him in a Foreign Court ſo much ſcandal, as he did by his ill behaviour.

C

X. That the Duke hath been in great part the Cauſe of the ruine and misfortune of the Prince *Palatine* and his Eſtates, in as much as thoſe Affairs had relation unto this Kingdom.

D

XI. That the Duke of *Buckingham* hath in his Relations to both Houſes of Parliament wronged the Earl of *Briſtol* in point of his Honor, by many ſiniſter aſperſions which he hath laid upon him, and in point of his Liberty, by many undue Courſes, through his power and practices.

XII. That the Earl of *Briſtol* did reveal unto his late Majeſty both by word and Letter, in what ſort the ſaid Duke had diſſerved him and abuſed his truſt: And that the King by ſeveral ways ſent him word, That he ſhould reſt aſſured he would hear the ſaid Earl, but that he ſhould leave it to him to take his own time. And thereupon, few days before his ſickneſs, he ſent the Earl word, that he would hear him againſt the ſaid Duke, as well as he had heard the ſaid Duke againſt him. Which the Duke himſelf heard; And not long after his Bleſſed Majeſty ſickned and died, having been in the interim much vexed and preſſed by the ſaid Duke.

E

F

An. 1626.

Articles of the Earl of Briſtol *againſt the Lord* Conway, *bearing Date* 1 May, 1626.

The Earl of *Briſtol*'s Articles againſt the Lord *Conway*.

I. THat the Lord *Conway* is ſo great a Servant of the Duke of *Buckingham*'s, that he hath not ſtuck to ſend the Earl of *Briſtol* plain word, That if buſineſſes could not be accommodated betwixt him and the Duke, he muſt then adhere and declare himſelf for the ſaid Duke; and therefore unfit to be a Judge in any thing that concerneth the Duke or the Earl. A

II. That the ſaid L. *Conway* profeſſeth himſelf to be a Secretary of the Duke of *Buckingham*'s Creation, and ſo acknowledgeth it under his own hand: And although that he be the Kings Secretary of State, and a Privy-Councellor, he uſually beginneth his Letters to the Duke, [*Moſt gracious Patron.*] B

III. That as a Creature of the ſaid Duke's, the ſaid Lord *Conway* hath been made the Inſtrument of keeping the Earl of *Briſtol* from the Kings preſence, and of Impriſoning of him by Warrants only under his own hand; for which he cannot (as the Earl conceiveth) produce any ſufficient Warrant.

IV. That by the ſpace of twelve Months laſt paſt, the ſaid Lord *Conway* hath been the Cauſe of the Earls reſtraint, only by miſinforming his Majeſty, and procuring a Letter of reſtraint upon undue grounds: And when it was made apparent unto him, that the ſaid Earl was reſtored to his liberty freely to follow his own affairs by his late Majeſty of bleſſed memory, he replyed, That that liberty given him by his Majeſty expired with the King's death. C

V. That the Earl of *Briſtol*'s Mother lying ſick upon her death-bead, deſired for her comfort to ſee her Son, and to give him her laſt bleſſing: Whereupon the Earl Writ to the L. *Conway*, to deſire him to move the King for his leave; which he putting off from day to day, told the perſon imployed, That by reaſon of the Dukes ſickneſs he could not find opportunity to get the Dukes leave to move the King; And having ſpoken with the Duke, he made a Negative anſwer in the King's Name. Wherewith the Earl acquainting the King by ſome of his Bedchamber, his Majeſty was in a very great Anger, Swearing the Secretary had never moved him, and that to deny the ſaid Earl leave, was a barbarous part; and thereupon ſent him preſently free leave, which the Secretary hearing of, ſent afterwards a Letter of leave, but with divers clauſes and limitations differing from the leave ſent him from the King's own Mouth. D E

VI. That the having the buſineſſes of the Earl of *Briſtol* in his own hands, and the Earl being commanded by the King to addreſs himſelf in his occaſions unto his Lordſhip, He would never deliver any Meſſage from the ſaid Earl, without acquainting the ſaid Duke, and receiving his directions, and in a noble manner of freeneſs ſtuck not to ſend him word.

VII. That the Earl of *Briſtol* having received from the Lord *Conway* Twenty Interrogatories in his late Majeſties name, drawn up by a Commiſſion of the Lords appointed to ſearch into the Proceedings and Imployments of the ſaid Earl, in which ſearch there was more than two Months ſpent, divers of the ſaid Interrogatories involving Felony and Treaſon; F

2 *Caroli.*

Treaſon; And his Majeſty having been pleaſed to aſſure the ſaid Earl both by Meſſage and Letters, that upon ſatisfaction given to himſelf, and the Commiſſioners by his Anſwers, he would preſently put an end to the Earl of *Briſtol's* Buſineſs. The Earl of *Briſtol* having ſo fully anſwered as would admit of no reply; and that many of the Commiſſioners declared themſelves to be fully ſatisfied: the ſaid Lord *Conway* (being the Secretary in the Commiſſion, to whom it properly belonged to call the Lords to aſſemble) perceiving the Earl of *Briſtol* was like to be cleared, never moved for any further meeting, neither have they ever been permitted to meet until this day, whereby the Troubles of the Earl of *Briſtol* have been kept on foot till this preſent, and the ſaid Earls Impriſonment hath been enlarged twenty months. And by the Artifices of the ſaid Duke of *Buckingham* and the ſaid Lord *Conway* (as ſhall be made appear) the ſaid Earl hath been inſenſibly involved and ſtauked into the Troubles he is now in, which he doubteth not but your Lordſhips will judge to be a very conſiderable Caſe.

VIII. That for a colour of keeping the Earl from his late Majeſties preſence, it being pretended after the Anſwer to the Twenty Interrogatories, that there were ſome few Queſtions more to be added, whereunto when he ſhould have anſwered, his Majeſty Swore ſolemnly, that without any delay he ſhould be admitted to his preſence, and that within two or 3 days he ſhould have the ſaid Queſtions ſent unto him, the Lord *Conway* notwithſtanding he acknowledged under his hand, that he had received his Majeſties directions for the ſending of the ſaid Articles, and was often thereunto ſollicited on the behalf of the ſaid Earl, would never ſend the ſaid Queſtions; and at laſt anſwered, That he had no more to do with the Earl's buſineſſes.

IX. That the Earl of *Briſtol* being ſet free by his late Majeſty to come to *London* to follow his own Affairs as he pleaſed, and thereupon having his Writ of Parliament ſent unto him, without any Letter of Prohibition; but the Earl of *Briſtol*, out of his great deſire to conform all his actions to that which he ſhould underſtand would beſt pleaſe his Majeſty, ſent to know whether his going or ſtay would be moſt agreeable unto his Majeſty? who was pleaſed to anſwer by a Letter from my Lord Duke of *Buckingham*, That he took in very good part the ſaid Earls reſpect unto him; but wiſhed him to make ſome excuſe for the preſent: The which accordingly he did, and moved, that he might have a Letter under the Kings hand to warrant his abſence; but under colour of this Letter of leave, upon the Earl of *Briſtol's* own motion and deſire, the Lord *Conway* ſent a Letter from his Majeſty abſolutely forbidding his coming to Parliament, and therein likewiſe was inſerted a Clauſe, That the Earl ſhould remain reſtrained as he was in the time of his late *Majeſty*; and ſo thereby a colour of reſtraint under his *Majeſties* hand was gotten, which could never be procured in his late Majeſties time; whereby the Earl of *Briſtol* hath been unduly reſtrained ever ſince, without being able to procure any redreſs, or to make the Lord *Conway* willing to underſtand his Caſe, although he ſent him all the Papers, whereby he might clearly ſee, that the Earl was not under reſtraint in his late Majeſties time; but never other Anſwer could be procured from him, but That he judged the ſaid Earl to be under reſtraint, and that his Liberty was expired by the late Kings death, as is aforeſaid.

X. That the Lord *Conway*, knowing that the Match for the Marrying of the King of *Bohemia's* eldeſt Son with the Emperor's Daughter,

An. 1626. ter, and being bred in the Emperors Court, was allowed and propounded by his late Majeſty: And that his Majeſty by his Letters unto his Son-in-law, declareth, That he thinketh it the faireſt and cleareſt way for the accommodation of his Affairs, and that he will take ſufficient care for his breeding in true religion. And notwithſtanding that the ſaid Earl received a Copy of the ſaid Letter by the ſaid late Kings order, with other Papers ſetting down all that had been done in the ſaid buſineſs, and his Majeſties aſſent thereunto from the Lord *Conway* himſelf; yet hath he ſuffered all to be charged, as a crime againſt the Earl of *Briſtol*, both in the twentieth Interrogatory, and in his Majeſties laſt Letter, that he ſhould conſent to the breeding of the young Prince in the Emperors Court. And further in the Interrogatory he alledgeth it as an aggravation againſt the ſaid Earl, that the breeding of the ſaid Prince in the Emperors Court inferred to the perverſion of his Religion, when he knew that his ſaid breeding was never thought nor ſpoken of by the King, nor any other, but with that expreſs Clauſe and Condition, That he ſhould be bred in his own Religion, and have ſuch Tutors and Servants, as his Father ſhould appoint. A B

XI. That the L. *Conway* hath been the cauſe of all the Earl of *Briſtol*'s Troubles by his dubious and intrapping Diſpatches, and inferring, That the ſaid Earl hath failed in his Directions, when it ſhall be made appear, that his Diſpatches contained no ſuch Directions as he hath alledged were given.

C

The Houſe not being ſatisfied to commit the Earl to the Tower, let him remain where he was before, with the Gentleman Uſher; and further ordered, That the Kings Charge againſt the Earl of *Briſtol* be firſt heard, and then the Charge of the ſaid Earl againſt the Duke; yet ſo, that the Earls Teſtimony againſt the Duke be not prevented, prejudiced, or impeached.

D

The day following the Lord Keeper delivered a Meſſage from the King to the Houſe of Lords.

A Meſſage from the King to the Lords concerning *Briſtol*'s Articles againſt the Duke.

"THat his Majeſty taketh notice of the Articles exhibited againſt "the Duke of *Buckingham* by the Earl of *Briſtol*; and he obſerveth "that many of them are ſuch, as himſelf is able to ſay more of his own "knowledge than any Man, for the Dukes ſincere carriage in them: That "one of them, touching the Narrative made in Parliament in the One "and twentieth of King *James*, trencheth as far upon himſelf as the Duke, "for that his Majeſty went as far as the Duke in that Declaration; and "that all of them have been cloſed in the Earls own breaſt now for theſe "two years, contrary to his Duty, if he had known any crime of that "nature by the Duke; and now he vents it by way of recrimination a-"gainſt the Duke, whom he knows to be a principal Witneſs to prove "his Majeſties Charge. E

"And therefore, That his Majeſty gave them thanks, that they gave "no way to the Earl of *Briſtol*'s unreaſonable motion, of putting the "Duke under the ſame reſtraint that they had put the Earl, thereby "eſchewing what the Earl aimeth at, to alter their dutiful Proceedings "toward his Majeſty: That thereby they had made his Majeſty confi-"dent, that as they have, ſo they will put a difference between his F

"Majeſties

2 *Caroli.*

" Majeſties Charge againſt one that appeareth as a Delinquent, and the " recrimination of the Earl of *Briſtol* againſt his Majeſties Witneſs; and " they will not equal them by a proceeding *Pari Paſſu.*

At this time there was an endeavour to take the Earls Cauſe out of the Houſe, and to proceed by way of Indictment in the King's Bench: To A which manner of proceeding why the Lords ſhould not give way, theſe enſuing Reaſons were offered to conſideration.

The Reaſons.

I. IT was ordered, That in all cauſes of moment, the Defendants ſhall have Copies of all Depoſitions both *pro* and *contra* after publication, in convenient time, before hearing, to prepare themſelves; and if the Defendants will demand that of the Houſe in due time, they ſhall have their learned Council to aſſiſt them in their defence: And their B Lordſhips declared, That they did give their Aſſents thereto; becauſe in all Caſes, as well Civil as Criminal and Capital, they hold, That all lawful help could not before juſt Judges make one that is guilty avoid Juſtice; and on the other ſide, God defend that one Innocent ſhould be condemned.

II. The Earl of *Briſtol* by his Petition to the Houſe, complained of his reſtraint, deſiring to be heard here, as well in points of his wrongs as in his accuſations againſt the Duke; whereof his Majeſty taking conſideration, C ſignified his pleaſure by the Lord Keeper; *April* the 20. That his Majeſty was reſolved to put his Cauſe upon the honor and juſtice of this Houſe; and that his pleaſure was, that the ſaid Earl ſhould be ſent for as a Delinquent to anſwer the offences he committed in his Negotiation before his Majeſties going into *Spain*, whilſt his Majeſty was there, and ſince his coming thence; and that his Majeſty would cauſe theſe things to be charged againſt him in this Houſe; ſo as the Houſe is fully poſſeſſed of the Cauſe, as well by the Earls Petition, as by the King's D aſſent, and the Earl brought up to the Houſe as a Delinquent to anſwer his offences there; and Mr. Attorney hath accordingly delivered the Charge againſt him in the Houſe, and the Earl alſo his Charge againſt the Duke: And now if he be proceeded withal by way of Indictment in the King's-Bench, theſe dangerous inconveniencies will follow; *viz.*

1. He can have no Counſel.

E 2. He can have no Witneſs againſt the King.

3. He cannot know what the Evidences againſt him will be, in a convenient time to prepare for his Defence; and ſo the Innocent may be condemned, which may be the Caſe of any Peer.

4. The Liberties of the Houſe will be thereby infringed, the Honor and Juſtice thereof declined, contrary to the King's pleaſure expreſly ſignified by the Lord Keeper.

F All theſe things are expreſly againſt the Order.

5. The Earl being Indicted, it will not be in the power of the Houſe to keep him from Arraignment, and ſo he may be diſabled to make good his Charge againſt the Duke.

Therefore the way to proceed according to the Directions and true

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Firſt, To have the Charge delivered into the Houſe in writing, and the Earl ſet down his Anſwer to it in writing; and that the Witneſſes may be examined, and Evidences on both ſides heard, by ſuch courſe and manner of proceedings as ſhall be thought fit by the Houſe; and if upon full hearing the Houſe ſhall find it to be Treaſon, then to proceed by way of Indictment; if doubtful in point of Law, to have the opinion of the Judges to clear it, if doubtful in matter of Fact, then to refer it to a regal Fait; And the rather for that, A

1. It appears that the Earl, in the ſpace of two years (till now he complained) hath not been ſo much as queſtioned for matter of Treaſon. B

2. He hath been examined upon twenty Interrogatories, and the Commiſſioners ſatisfie, That his Anſwer would admit of no Reply.

3. The Lord *Conway* by ſeveral Letters hath intimated, That there was nothing againſt him but what was pardoned by the Parliament. Pardon of the 21 *Jac.* And ſignified his Majeſties pleaſure, That he might reſt in that ſecurity he was, and ſit ſtill.

His Majeſty hath often declared both to the Counteſs of *Briſtol* and others, That there was neither Felony nor Treaſon againſt him, nor ought elſe, but what a ſmall acknowledgment would expiate. C

Some Caſes happened in Parliament 1 & 2 *Caroli*; wherein the Judges opinions were had, *viz.*

THis Queſtion was put to all the Juſtices; *Whether a Peer impeached for Treaſon ſhall be tried in Parliament?* And the Chief Juſtice, in the name of all the Juſtices, delivered his opinion, that the courſe by Law was Indictment, and this to be ſignified in Parliament, before the Lord *Steward*, *vide* 10 *Edward* 4. 6. or by Bill, and an Act of Parliament to attaint the Party. D An Order was made in the Upper-Houſe of Parliament, 21 *Jac.* That any Peer ſhall have Counſel in caſe Criminal or Capital; and upon the Accuſation of the Earl of *Briſtol* in Parliament, he made a motion for Counſel; which matter was commended to the King by the Lords with voucher of the ſaid former Order: The King returned Anſwer, That this was contrary to the Fundamental Laws of the Realm; but inaſmuch as it was for his Benefit and Prerogative, with which he may diſpence; therefore out of his Grace he would allow the Earl of *Briſtol* to have his Counſel, with proteſtation that he would adviſe in the general; and the ſame Order was made without his privity, and without hearing the Juſtices or his Counſel. E And upon the Trial of the Lord *Middleſex*, in a Caſe Criminal and not Capital; afterward, that is to ſay Friday after, upon the aſſembly of all the Juſtices, the Attorny of the King by commandment of the King, demanded their opinion; F and they with one voice agreed, That where the Trial is upon Indictment, no Counſel in Felony or Treaſon is to be allowed, unleſs a matter of Law happen, or upon the Indictment, or upon Plea of the Defendant, or upon Evidence, and in ſuch Caſes the Priſoner may have Counſel, but not otherwiſe.

The

2 Caroli.

The Lords by Order referred to the Juſtices this Queſtion, *Whether the King may be a witneſs in caſe of Treaſon?* Secondly, Admit that this be for Treaſon done when he is privy: *Whether in this caſe he may be a witneſs or not?* and before the Reſolution, this Meſſage and Command came from the King to the Juſtices, that in this general Queſtion they do not deliver any opinion; but if any point come in particular, they, upon mature deliberation, may give their advice. And this was declared by the Chief Juſtice in the Upper Houſe of Parliament, and the ſaid matter ſurceaſed.

Sitting this Parliament, the Duke of *Buckingham* was deputed Procurator by ſeveral Peers, whoſe Votes on any occaſion he had power to make uſe of; *viz.* by the Earls of *Bath*, *Exeter*, *Cumberland*, *Northumberland*, Lord *Teinham*, *Colcheſter*, *Tunbridge*, *Evers*, *Darcy*, *Meynel*, *Noel*, *St. John* of *Baſing*, *Mansfield*, and *Roberts*. Whereupon the Houſe of Peers made an Order, That after this Seſſion, no Lord of this Houſe ſhall be capable of receiving above two Proxies, or more to be numbred in any cauſe voted.

About a fortnight after, the Charge was given in againſt the Earl of *Briſtol*, the Earl gave in his Anſwer, which we have choſen to inſert here for the Reader's more conveniency, though a little out of time. And having the Anſwer in his hand, ready to deliver to their Lordſhips, he did crave leave, that by way of Introduction he might ſpeak a few words, and began thus:

The Earl of *Briſtol's* ſpeech, by way of Introduction, before he gave in his Anſwer.

"I Am not inſenſible upon what diſadvantages I come to Trial in this "Cauſe: For firſt, I am faln into his Majeſty's heavy diſpleaſure, and "am to encounter with a potent Adverſary, highly in favour, and am "accuſed for Treaſon; for which, all Counſel and Friends abandon me, "as a man infected with the Plague; I am become bound and under re- "ſtraint; whereas a man who is to encounter for his Life and Honour, "and with a ſtrong Adverſary, had need to come upon equal terms.

"But as to the Matter, I find my ſelf charged with divers Articles of "High Treaſon; but looking into them with the eyes of my beſt under- "ſtanding, with the opinion alſo of my Counſel lately aſſigned me, and "taking them apart one Article from another, I find not any thing in "them like Treaſon, or that hath ſo much as the ſhew or countenance of "a fault, either in act or words: only by laying all things together, and "by wreſting the wreſts with a ſtrained conſtruction, directly contrary "to the true ſence and meaning of them, and the occaſion whereupon "they were ſpoken, it is informed, and that by way of Inference only, "That the intent was evil, and the matter to prove the intent to be evil, "depends upon two props, *viz.* Ill affection to Religion, and too much "affection to *Spain*; which, if I ſhall clear, the Inference grounded up- "on theſe props, will fall of it ſelf.

"Therefore I crave leave of your Lordſhips, before I give my An- "ſwer to the Charge, that I may give you an account of theſe two par- "ticulars; and I humbly beſeech you, that what I ſhall ſpeak in my juſt "defence, may not be conceived to proceed of vain oſtentation.

"And firſt for Religion, I was in my Childhood bred in the Prote- "ſtant Religion, and rather after the ſtricter manner than otherwiſe. "When I grew in years fit, I travelled into *France*, *Italy*, and *Rome* it

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"lelf: In all which Travels, I can produce ſome that I conſorted with-
"all, who will witneſs with me, that I ever conſtantly uſed the Religion
"I profeſſed, without the leaſt prevarication; no man being able to
"charge me, that ſo much as out of curioſity I ever was preſent at any
"of the Exerciſes belonging to the *Roman* Religion, or did the leaſt act
"of conformity to any their Rites or Ceremonies.

"Secondly, after my return home, I was received into the ſervice of
"his late Majeſty of bleſſed memory, whom I ſerved ſome years as a A
"Gentleman of his Privy Chamber, and Carver; in which time, none
"of his Majeſty's Servants received the Holy Sacrament, frequented Ser-
"mons, and other Exerciſes of our Religion more than I.

"Thirdly, in that time of my youth, not to avoid idleneſs, but out
"of affection to Religion, I Tranſlated that excellent Book of our Faith,
"and great Points of our Religion, written by Monſieur *Moulins*; which
"his late Majeſty having ſometimes after ſeen, approved ſo well, that he
"would needs have it Printed; which accordingly was printed in the B
"name of Mr. *Sampford* my Chaplain, to whom I gave the honour: But
"it was my own act, as Mr. *Sampford* will not deny, though, to this hour,
"I had never before ſpoken it.

"Fourthly, about ſeven or eight and twenty years of my age, I was
"employed Ambaſſador into *Spain*, in that great buſineſs of the Treaty
"of the Marriage; and whereas others before me carried with them but
"one Chaplain, I had two, *viz.* Mr. *Sampford* and Mr. *Boſwel*; and at
"my arrival at the Court of *Spain*, I cauſed it to be publiſhed, that ſuch C
"a day (God willing) I purpoſed to have a Communion, to the end that
"ſuch Engliſh as were in the Town, might reſort thither. Whereat the
"Duke *de Lerma*, and other the great Miniſters of *Spain*, took offence,
"and told me, they might well perceive, I brought no good affection to
"the buſineſs I came about, that would ſo publickly and avowedly in
"that Court, where never the like was done, proclaim there a Commu-
"nion; and with high expreſſions perſwaded me to decline it. Where-
"unto I anſwered, I came to do my Maſter's ſervice, which I would D
"heartily and effectually endeavour, but would not omit my ſervice to
"God, no, though my Maſter commanded. And at the Communion
"there were preſent one hundred perſons, ſome of them Brothers, Kinſ-
"men, and near Dependants upon ſome of their Lordſhips, whom I ſee
"there in my eye. This I did in *Spain*; the like I did in *Germany*, in the
"Emperor's Courts, in my Ambaſſage thither.

"Fifthly, I had in my ſeveral Employments into *Spain* and *Germany*,
"above five hundred perſons of all qualities attending upon me, and E
"never one perverted in Religion: my Children carefully inſtructed and
"bred in the ſame Religion. I had conſtantly every Sabbath a Sermon
"in my Houſe; and Sacraments, and other Exerciſes of our Religion
"frequented.

"Sixthly, a foul-mouthed *Shimei* railed againſt our late King and
"Religion in *Spain*; how I cauſed that to be revenged by a near Kinſman
"of my own, is well known.

"Seventhly, one of the Engliſh dying in the Town of *Madrid*, of F
"whoſe Religion there was ſome queſtion made; and the King's Cha-
"plains telling me, that they at the day of his death had been with him,
"and taken an account of his Faith, and that he died a Proteſtant: I
"cauſed him to be brought home to my houſe, and there buried accord-
"ing to our Rites; whereat much ado was made, and it was threatned,

"that

2 *Caroli.*

"that the Inquiſitors and other Officers, would come and fetch him out,
"and bury him after their manner: I ſtood upon it, and that it was the
"King of *England's* Houſe, and openly proteſted, that whoſoever ſhould
"come thither with ſuch intent, I would ſhoot at him with a Peece; and
"exhorted all my People, that if ſuch an attempt ſhould be, they ſhould,
"rather then ſuffer ſuch a diſhonour to our Religion, die with me in that
"quarrel, and hoped ſuch Engliſh as were in the Town would do the like.

A "Eighthly, There having been a Monaſtery for Engliſh Jeſuits,
"founded and ſetled at *Madrid* before my coming thither, and the Eng-
"liſh Arms ſet up, I laboured to ſuppreſs it, and having written thereof
"to the late King, his Majeſty adviſed me not to run my head againſt the
"Rock, for it was an impoſſible thing for me to do: yet I undertook it,
"and it pleaſed God ſo to bleſs my endeavours, that I abſolutely diſſolved
"and overthrew it. For which, the Biſhop of *Wincheſter*, *Montague*, (now
"with God) wrote unto me by his Majeſties direction, a Letter of his Ma-
"jeſties gracious acceptance of ſo great a Service: telling me, Beſides the
B "ſervice I had done to the Church & Commonwealth, it ſhould remain
"a Trophy of Honour to me and my Poſterity for ever: And the King
"himſelf, with his own hand, wrote unto me, beginning his Letter, *Good*
"Fortune Digby, *your good luck in your Service well deſerves that ſtile.*

"Ninthly, In all Negotiations in *Spain*, in point of Religion, I ever
"ſtraitned my Inſtructions.

"Tenthly, The Match with *Spain* was not moved by me, I ever ad-
"viſed a Proteſtant Match, and ſhewed many Reaſons both of Conſcience
C "and State; but if with a Catholick, then rather with *Spain* than *France*,
"ſo as good Conditions might be made for Religion, as appears by a
"Letter I wrote, and delivered to the Prince, at his firſt going upon the
"employment; for which I had like then to have been ruined for being a
"*Puritan*, as I am now for being a *Papiſt*, & all by one and the ſame hand.

"Eleventhly, And I appeal to the teſtimony of Dr. *Maſon* and Dr.
"*Wren*, the King's Chaplains with me in *Spain*; and to Mr. *Sampford*, Mr.
"*Boſwel*, and Mr. *Frewen* my own Chaplains there. And that ſuch Pa-
D "piſts as have been my ancient acquaintance and friends, being men
"of worth, well known to many of their Lordſhips, may be examined
"upon Oath, whether I have not in all places, as well in *Spain* as in *Eng-*
"*land*, and at all times upon fit occaſions, avowed my ſelf a Proteſtant,
"without the leaſt prevarication? Or whether I did ever any the leaſt
"act that was not ſuitable to the ſame Profeſſion? And that Mr. *Frewen*,
"Mr. *Wake*, my own Chaplains, may give their teſtimonies, whether in the
"time of ſeveral dangerous ſickneſſes, which I had of late years faln into,
"I have not in the time of ſuch my ſickneſſes (when no man can be ſup-
"poſed to diſſemble with the World, being ready to leave it) made before
"them a Confeſſion of my Faith, and made my Peace with God, reſolving
"to die as befitted a Proteſtant and a good Chriſtian. This I tell your
"Lordſhips, was my Religion I was bred in, have ever profeſſed and
"lived in, and was reſolved by God's grace, to die in; and yet was ſo un-
"happy, by reaſon of employment, to be diſtaſteful to many good men,
F "that I have been ſuſpected even by them, not well knowing me: And
"this hath been the riſe the Duke hath now taken againſt me. Then for
"my love to *Spain*, I wonder from whence that opinion ſhould grow,
"ſince I was there hated and ſhamed, as the man whom, of all others,
"they deſired to have the leaſt to do withall, having ſtood ever ſtricter
"in point of Religion, than by my Inſtructions I might have done; as

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"after the Capitulation concluded on, they underſtood by ſome Intelli-
"gence, which cauſed their hatred towards me.

"Sure I am, I ſhewed it not by the ſervice I did them; for divers
"years together there was not a Letter ſent by that King to any other
"State, that the King my Maſter had not a Copy of before, or by that
"time it came to the place whither it was directed. There was not
"any great action on foot, whereof I had not the private Inſtructions,
"and ſent them thither; not any Expedition by Sea or Land, wherein I
"had not ſome Miniſters or Intelligencers, that gave me from time to A
"time advertiſements of their actions, & moſt private intentions, where-
"of I advertiſed his Majeſty from time to time. I uſed ſuch induſtry, as
"to get all the Papers of that King's private Cabinet into my hands;
"took Copies and Notes of ſuch of them as I thought uſeful; and upon
"every of them ſet my private mark before they were conveyed back
"again, to the end, that if I ſhould have had an occaſion to have charged
"him with any thing mentioned in the ſame Papers, I might have let
"him ſee I knew it, by telling him in what Paper it was, and marked B
"with ſuch a mark.

"There was not a Port in *Spain*, that I had not cauſed the depth of
"it to be ſounded, nor a Fort whereof I knew not the ſtrength, both for
"the Garriſon, Munition, and other matters of advantage and diſadvan-
"tage; inſomuch as if it ſhould pleaſe the King to appoint a Committee
,'of the Lords to take an account of me, I ſhould, by the ſtores I gathered
,'there, and brought with me, make it appear, I was as uſeful a Servant to
"his Majeſty in a War, as in Peace. Whereas at his Majeſty's coming C
"out of *Spain*, the powers of the *Deſponſories* were to be depoſited in
"ſome man's hand; and the Duke, upon pretence of doing me honour,
"but intending to break my neck, by it, moved, they might be left with
"me, and the King of *Spain* was contented; and ſo they were put into
"my hands, not as an Attorney only for the Prince; But the King of
"*Spain* having taken the ſubſtitution of them by his Secretary of State,
"entred in Legal form; whereby that King was then become interreſſed
"in them by their occupation, as well as the Prince by granting of them. D
"And becoming the *Inſtrumentum ſtipulatum*, wherein they were both
"interreſſed, they were depoſited into my hands, as an indifferent perſon,
"truſted between the King of *Spain* and the Prince, with a Declaration
"of the Truſt. And now the Duke was returned out of *Spain*, he plot-
"ted my ruine, and put it in execution in this manner. He concealed,
"that the powers were to expire at *Chriſtmas*, and procured his Majeſty
"to write a Letter, (not a direct Commandment) but expreſſing a deſire,
"that the *Deſponſories* ſhould not be till one of the days in *Chriſtmas*, in- E
"tending thereby to draw me into a *Dilemma*, That if I proceeded in
"the Match, this Letter ſhould, as now it is, have been inforced againſt
"me, as a breach of Inſtructions: If I had not proceeded, then I had bro-
"ken my truſt between the Prince and King of *Spain*, overthrown the
"Marriage, ſo long ſought and laboured, it being the main ſcope of my
"Ambaſſage, contrary to expreſs Warrant, and that upon a Letter I muſt
"needs know to be a miſtake. And when I had written into *England*,
"to have a direct Warrant in the point, the Duke then ſeeing that Plot F
"would not take, he dealt with divers great Lords, as was well known
"to ſome of their Lordſhips there preſent, to have me, upon my arrival
"in *England*, committed to the *Tower*, before I ſhould ever come to ſpeak
"with the King; which the Spaniſh Ambaſſador, here in *England*, having

"gotten

"gotten private notice of, gave advertiſement thereof to that King: "who thereupon foreſeeing my danger, and conſulting with his Coun- "cil and Divines, what were fit for him in Honour and Conſcience to do "in that caſe, they reſolved, That ſeeing my ſufferings grew by being "an honeſt man, and endeavouring to perform the truſt repoſed in me by "that King, as well as the Prince; That King was bound both in Honour "and Conſcience, not only to preſerve me from ruine, but to make me "a reparation for any loſs I ſhould ſuſtain by occaſion of the Truſt: "Whereupon, at his departure, going to Court to take his leave, the *Con-* "*de Olivares* told me, what was plotted againſt me in *England*; and in "reſpect of the danger, by reaſon of the greatneſs of my Adverſary, per- "ſwaded me to ſtay there, and in his Maſter's name made an offer, not "in ſecret, but in the preſence of Sir *Walter Aſton*. 2 *Caroli.*

Here he repeated thoſe offers of Reward, Honour, and Preferment, which we have mentioned before in order of time, and at preſent paſs it by; he then proceeded, and ſaid:

"Upon what grounds and hope came I to encounter with thoſe dan- "gers? Not upon hope of my greatneſs in Court, and ſtrength of Friends "there, to boulſter out an ill cauſe; no ſure, my ſtrength was too weak, "and my Adverſaries too powerful. But I knew my Conſcience was "clear, and my Cauſe good, and truſted in God Almighty. And to him "now, and to their Lordſhips Judgments, recommend my ſelf, and my "Cauſe.

And then he delivered his Anſwer, deſiring their Lordſhips it might be after recorded in Parchment, that it might remain to poſterity; which being read by one of his Council, the Lord Keeper asked him, Whether he deſired to ſay any more then he had done? He anſwered, That he had ſomething more to ſay, but knew not the Order, or whether Mr. *Attorney* would ſpeak firſt; but he being deſired to ſpeak, He deſired their Lord- ſhips he might put them in mind of what he conceived they had alrea- dy promiſed; which was, That the Duke, whom he accuſed in that Houſe of far higher offences, than any with which he was charged, might be proceeded with as he was, and that they might be upon equal Conditi- ons. And that ſuch Heads as he had delivered againſt the Duke, being of ſuch matters as he met withall in his Negotiation as an Ambaſſador, and which he had, according to his duty, acquainted the State withall, might, by their Lordſhips care and order, be put into Legal form, and proſecuted; for ſo was the uſe, when he had the honour to ſit at the Council-Table. He ſaid, He conceived he had already done his part to inform, and would be ready to make it good, it concerning their Lord- ſhips to ſee it proſecuted, it not being to be expected that he ſhould ſol- licite it; or if he would, he could not, being under reſtraint. And he de- ſired likewiſe, that the Judges might deliver their opinions, Whether the matter charged againſt him were Treaſon; that if it ſhould not be ſo in their opinions, he might not lie under ſo heavy a burden.

He put their Lordſhips in mind, That it was a ſtrange manner of pro- ceeding, that upon a diſpleaſure, a Peer of the Kingdom complaining of thoſe that had practiſed againſt him, and had been the cauſers of his ſuf- ferings, ſhould then, and never but then, be charged with Treaſon. He told them, it was not his caſe alone, but it equally concerned them, and their Poſterity, &, it might be, ſome others hereafter, more than him now. For, he ſaid, he thanked God, he had ſome experience in the world, and thereby, and by thoſe things he had kept, was able to make his innocency

appear

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appear, which, perhaps, would not be every man's hereafter; and ſo many an honeſt heart in a good cauſe diſtracted with fears, and abandoned of Friends, might periſh through the malice of a potent Adveſary.

The Lords again asked him whether he had any thing more to ſay? He anſwered, No; but deſired leave only to explain himſelf in two things; one in his Speech now ſpoken, and the other when he was firſt brought to the Houſe. That in his Speech this day, was, where he affirmed, he had like to have been ruined in his Negotiation: Firſt, for being a *Puritan*, and now for being a *Papiſt*, and both by one hand; he explained it to be by the hand of the Duke of *Buckingham*. And the other when he firſt came to the Houſe, ſaying there, for redreſs of former ſufferings, and meeting on the ſudden with Treaſon charged upon him, he ſpake in paſſion, expreſſing the wrongs and injuries done him by the Duke; and told their Lordſhips, He had uſed means to convey part of his ſufferings to the late King his Maſter, who, in the Duke's hearing, ſware he would (after he had heard the Duke againſt him) hear him alſo againſt the Duke; for which his Majeſty ſuffered much, or to ſome ſuch purpoſe. Now he underſtandeth this Speech to reflect upon what was in agitation in the Lower Houſe; but he ſaid, Although he could not well excuſe the Dukes indiſcretion in that point, yet he ſpake it not any ways to corroborate that opinion; for howſoever the Duke were his Enemy, yet he could not think ſo diſhonourably of him.

A B

The Anſwer of the Earl of Briſtol *to the Articles of ſeveral High Treaſons, and other great and enormous Crimes, Offences, and Contempts, ſuppoſed to be committed by him againſt our late Sovereign Lord King* James *of bleſſed memory, deceaſed, and our Sovereign Lord the King's Majeſty that now is; wherewith the ſaid Earl is charged by his Majeſty's* Attorney-General, *on his Majeſty's behalf, in the moſt high and Honourable Court of Parliament, before the King and the Lords there. And not acknowleding any the ſuppoſed Treaſons, Crimes, Offences, and Contempts, wherewith he is charged, in, and by the ſaid Articles to be true; and ſaving to himſelf all advantages, benefit, and exception to the incertainty and inſufficiency of the ſaid Articles, and of the ſeveral Charges in them contained: And humbly praying, that his Cauſe may not ſuffer for want of a Legal form whereunto he hath not been uſed, but may be judged according to ſuch real and effectual Grounds and Proofs, as may be accepted from an Ambaſſador (the ground of the Charge growing thence) and that he may have leave to explain himſelf, and his own meaning, in any thing that may ſeem of a doubtful Conſtruction. For Anſwer, ſaith as followeth,*

C D E

His Service to the *Palatinate* when he was Ambaſſador to the Emperor.

I. THe firſt Article he denieth; and becauſe the Matters contained in the ſaid Article conſiſt of ſeveral parts, *viz.* The loſs of the ſaid *Palatinate*, and the Match with the ſaid Lady of *Spain*, and of the ſeveral Employments; as of one Extraordinary Ambaſſage to the Emperor, and another to the King of *Spain*, in the years 1621, 22, and 23. He humbly craves leave of this moſt Honourable Court to ſeparate the buſineſſes, and diſtinguiſh the times.

And beginning with the *Palatinate* firſt, to give an account of his Ambaſſage to the Emperor, and ſo to make as brief a Deduction as he could of the whole carriage in that buſineſs, from the beginning of his employment, to the time he left it, in his Ambaſſage to the Emperor, he propounded all things faithfully according to his Inſtructions, and the

F

Anſwers

2 Caroli.

Anſwers which he returned to his late Majeſty of bleſſed memory, were the very ſame, and no other, then ſuch as were given by the Emperor under his hand and Imperial Seal; the which, according to his duty, he faithfully ſent unto his ſaid Majeſty, and withal did honeſtly and truly advertiſe his ſaid Majeſty, what he underſtood and thought then upon the place; but was ſo far from giving to his Majeſty any ill-grounded hopes in that behalf, that he wrought unto the Lords of the Council here in *England* from *Vienna*, 26 *July*, 1624. in ſuch ſort as followeth.

A

I Am further to move your Lordſhips, that there may be a diſpatch made preſently into Spain *to his Majeſty's Ambaſſador, Mr.* Cottington, *that they deal effectually for the repairing and ripening of the buſineſs againſt my coming; that they uſe ſome plain and direct Language, letting the Miniſters there know, that the late Letter ſent by the King of* Spain *to the Emperor, was colder and more reſerved, than his Maſter had reaſon to expect. I ſhall conclude with telling your Lordſhips, That although I deſpair not of good ſucceſs in that knotty buſineſs, yet I hope his Majeſty and your Lordſhips lay not aſide the care of all fitting preparations for a War, in caſe a Peace cannot honourably be had. And amongſt other things, I moſt earneſtly commend unto your Lordſhips, by your Lordſhips unto his Majeſty, the continuing yet abroad, for ſome ſmall time, of Sr* Robert Manſel's *Fleet, upon the Coaſts of* Spain; *which, in caſe his Majeſty ſhould be ill uſed, will prove the beſt Argument we can uſe for the Reſtitution of the* Palatinate.

B

C

And this his Advice, he ſaith, was wholly intended by his Actions, by being the cauſe, as he returned homeward out of *Germany*, to bring down Count *Mansfield*, whereby the Town of *Frankendale* was relieved, by ſupplying his Majeſty's Army, then in great diſtreſs, with Moneys and Plate, to the value of 10000 *l.* meerly out of his zeal and affection to the good of the King and his Children, having no Warrant or Order, but that his heart was ever really bent in effects more then in ſhews, to ſerve the King's Son-in-law and his Cauſe, as by the diſcourſe of this buſineſs will appear. And how acceptable theſe ſervices were, will more appear, by the Letters of the Queen of *Bohemia*, in theſe words following.

D

My Lord,

HAving underſtood from Heidelburgh, *how you have ſhewed your affection to the King and me in all things, and in the help of Money you have lent our Soldiers; I cannot let ſo great Obligations paſs, without giving many thanks for it by theſe Lines, ſince I have no other means to ſhew my gratefulneſs unto you: Howſoever aſſure your ſelf, that I will never be forgetful of the teſtimonies you give me of your love, which I intreat you to continue, in doing the King and me all good Offices you can to his Majeſty. You have been an eye-witneſs of the miſerable eſtate our Countreys are in; I intreat you therefore to ſollicite his Majeſty for our help, you having given me an aſſurance of your affection, I intreat you now to ſhew it, in helping of us by your good endeavours to his Majeſty; and you ſhall ever bind me to continue, as I am already,*

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Your very affectionate Friend,

ELIZABETH.

Which

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Which Letters were ſeconded with others about the ſame time, both from the King of *Bohemia*, and Council of *Heidelburgh*, to the ſame effect: and how much ſatisfaction his late Majeſty received in that behalf, and touching that buſineſs, will plainly appear ſeveral ways, and particularly by his Speech in Parliament. And the ſaid Earl likewiſe appealeth to both Houſes of Parliament, to whom, by his late Majeſty's order, he gave a true and juſt account of that employment, with what true zeal he proceeded; and how he preſſed that ſingle Treaty, and Promiſes no longer to be relied on, but that a fitting preparation for War might go along hand in hand with any Treaty of Accommodation. And, for a concluſion, among many of his late Majeſty's approbations of his carriage in this employment, he humbly deſired, that a Letter of the Duke of *Buckingham*'s under his own hand, bearing date the Eleventh of *October*, 1621. may be produced, being as followeth.

A

B

My Lord,

C

I Am exceeding glad that your Lordſhip hath carried your ſelf ſo well in this employment, that his Majeſty is infinitely pleaſed with your ſervice you have done, for which he commanded me to give your Lordſhip thanks in his name, until he ſee you himſelf. You, of all men, have cauſe to commend his Majeſty's choice of ſuch a Man, that unleſs your heart had gone with the buſineſs, you could never have brought it to ſo good a paſs. Amongſt other things, his Majeſty liketh very well the care of clearing his Honour, whereof he will adviſe further with your Lordſhip at your next coming over. I hope you will not find your Negotiation with the Infanta *of ſuch difficulty, as you ſeem to fear in your Letter, ſeeing my Brother* Edward *hath brought with him a Letter from his Majeſty's Son in Law; whereby he putteth himſelf ſolely to his Majeſty's advice and pleaſure for his ſubmiſſion, as you will perceive by the Copy of the Letter it ſelf, which I here ſend your Lordſhip; wherein, though there be many things impertinent, yet of that point you may make good uſe for the accompliſhment of the buſineſs, wherein I have written to the Spaniſh Ambaſſador to uſe his means and credit likewiſe; which I aſſure my ſelf he will effectually do, eſpecially ſeeing the impediments are taken away by Count* Mansfields *Compoſition, and the Conformity of his Majeſty's Son in Law to this Submiſſion. For the Money your Lordſhip hath ſo ſeaſonably laid forth, his Majeſty will ſee you ſhall ſuſtain no loſs, holding it very unconſcionable you ſhould ſuffer by the care of his Service; which you have ſhewed ſo much to his contentment, to the great joy of your Lordſhip's faithful Servant,*

D

E

Geo. Buckingham.

His ſervice to the *Palatinate* before his Embaſſy to the Emperor.

Having given this account of his employment with the Emperor, he humbly craveth leave to make it known in what ſort, before this his employment, he endeavoured to ſerve the Prince *Palatine* & his Cauſe, which will beſt appear by his Majeſty's own teſtimony, upon the going of Sir *Francis Netherſole* to the Prince *Palatine*; at which time his Majeſty being, out of his Royal and juſt heart, deſirous to do a faithful Servant right, commanded Sir *Francis Netherſole* to let the Prince *Palatine* underſtand how good a Servant the ſaid Earl had been unto him, and how

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active

active in his affairs, as will beſt appear by a Diſpatch of Sir *Francis Netherſole*, written all with his own hand to Sir *George Calvert*, dated in *Prague*, *Auguſt* 11. 1620. and ſent by his late Majeſty to the ſaid Earl for his comfort, being as followeth. 2 *Caroli.*

Right Honourable,

A

THat you may be the better aſſured, that I have neither forgotten nor neglected the Commandments received from his Majeſty by your Honour; you will be pleaſed to have the patience to hear me report what I ſaid to this King upon the delivery of my Lord Deputy's Letters to his Majeſty; which was, That the King my Maſter, whoſe Juſtice is ſo renowned over the world, did uſe to ſhew it in nothing more, than in vindicating his Servants from

B

wrongful opinions, whereof he knew noble hearts more ſenſible, than of injuries done to their Perſons or Fortunes; That out of his Royal diſpoſition his Majeſty having found my Lord Digby *miſtaken by ſome of his own People at home, by occaſion of his being by him employed in the Affairs with* Spain, *having thereupon received a jealouſie, that the ſame Noble Lord might be alſo miſreported; hitherto his Majeſty's hands in that reſpect gave me a particular commandment, to aſſure his Majeſty, he had not a more truly affectionate Servant in* England: *And for proof thereof, to let his Majeſty underſtand,*

C

That whereas the Baron of Doncaſter, *now his Majeſty's Ambaſſador for* England, *had, ſince his coming hither, obtained but three great Boons for his Majeſty's ſervice*; viz. *the Loan of Money from the King of* Denmark, *the Contribution in* England *for the City and Countreys, and the ſending Ambaſſadors to the contrary Parties, that my Lord* Digby *had been the firſt propounder of all thoſe to the King my Maſter, before his Majeſty's Ambaſſador, or any other of his Majeſty's Servants in* England; *although his Lordſhip were contented, that others, who were but ſet on, ſhould carry away the thanks and*

D

prayers, becauſe his Lordſhip, being known to be the firſt mover therein, might poſſibly weaken the Credit he hath in Spain, *and to render himſelf the more valuable to ſerve both his own Maſter and his Majeſty; in which reſpect I humbly prayed his late Majeſty to keep this to himſelf.*

By which teſtimony it may appear, as the ſaid Earl conceiveth, how he, the ſaid Earl, beſtowed himſelf before his Ambaſſage, and in his ſaid Ambaſſage with his ſaid late Majeſty's approbation thereof. Now he

E

humbly craved leave to give your Lordſhips accompt how he proceeded after his return from the Emperor's Court.

As ſoon as he came into *England*, he diſcovered unto his Majeſty and the Lord's of the Council, in what great wants he had left the Forces in the *Palatinate*, and ſollicited the preſent ſending away of Money; thereupon Thirty thouſand pounds was borrowed of Sir *Peter Vanlore*, Sir *Baptiſt Hicks*, and Sir *William Cortine*, and preſently ſent unto the *Palatinate*, beſides the Ten Thouſand pounds which he lent, for which he paid

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the Intereſt out of his Purſe for ſix months, having alſo given, not long before, Five hundred pounds, by way of Benevolence, to the ſervice of the ſaid *Palatinate*.

Now in the interim, betwixt his return from the *Engliſh* Coaſts, which was in *November*, 1621. and his going into *Spain* in *May*, 1622. he firſt

An. 1626. gave his Account, as aforeſaid, of his Ambaſſage to both Houſes of Parliament, and moved them effectually, as was poſſible, for the ſupplying of his Majeſty, and that the money might wholly be employed for the ſuccour of the *Palatinate*.

The Parliament being diſſolved, he ſollicited, with great care and induſtry, the ſetling of ſome courſe for the ſupplying of the *Palatinate*, and his Majeſty was perſwaded to maintain Eight thouſand Foot, and Sixteen hundred Horſe, under his own Standard, and at his own Purſe, in the *Palatinate*, to eſtabliſh a certain courſe for due payment of the ſaid Army: The Lord *Chicheſter* was, upon the ſaid Earl's motion, ſent for out of *Ireland*, and the ſaid Earl, by his Majeſty's command, took order for his Diſpatch. In this eſtate the ſaid Earl left his affairs at his departure towards *Spain* in *May*, 1622. nothing doubting, but that all things would have effectually and conſtantly been purſued, according to the order which was ſetled and reſolved on at his departure. A

His arrival in *Spain*, and behaviour there.

At his arrival at the Court of *Spain*, he preſently proceeded according to his Inſtructions, preſſing the buſineſs of the *Palatinate*, as effectually as he could, and faithfully laboured and effected from time to time (as far as to the point of Negotiation) all particulars that were given him in charge, as it will appear by his late Majeſty's Letter upon every particular occaſion; and if by the accidents of War for that Summer, the Marquis of *Baden*, the Count *Mansfield*, and the Duke of *Brunſwick* received each of them an overthrow, (the ordering of whoſe affairs his Majeſty ſo far complained of to his Son in law, as to give order for the withdrawing of his Forces, as will appear by his Majeſty's Letter on the third of *June*, 1622. and alſo by his Letter unto Sir *Horace Vere*, and the Lord of *Chicheſter* of the ſame date, if there were not a ſpeedy redreſs.) if by any of thoſe accidents thoſe buſineſſes have miſcarried, the ſaid Earl hopes he ſhall not be liable to the blame, it having no relation to him, or to his imployment, having ſo far and ſo honeſtly, with his beſt affections, imployed his care and utmoſt ſervices in the buſineſſes, as his Majeſty was pleaſed, by many ſeveral Letters, upon ſeveral actions, to ſignifie his gracious receptance of his ſervice, as in his Letters of *Nov.* 24. 1622. written as followeth; *viz.* B C D

Your Diſpatches are in all points ſo full, and in them we receive ſo good ſatisfaction, as in this we ſhall not need to enlarge any further, but only tell you, we are well pleaſed with this diligent and diſcreet employment of your endeavours, and all that concerneth our ſervice; ſo are we likewiſe with the whole proceedings of our Ambaſſador, Sir Walter Aſton. *Thus we bid you heartily farewel.* E

New-Market, Novemb. 24. 1622.

And afterwards his Majeſty was likewiſe pleaſed, in his Letters of 8 *January*, 1622. a little before our Gracious Sovereign Lord the King, then Prince, his coming into *Spain*; as followeth.

Concerning that knotty and unfortunate Affair of the Palatinate, *to ſay the truth, as things ſtand, I know not what you could have done more than you have done already.* F

And whereas it is objected, the *Palatinate* ſhould be loſt by the hopes he, the ſaid Earl, gave, by his Letters out of *Spain*, it is an Objection of impoſſibility; but there was nothing left but *Manheim* & *Frankendale* when his firſt

firſt Letters out of *Spain* could poſſibly come to his late Majeſty's hands; for he did not begin to Negotiate that buſineſs until *Auguſt*, 1622. and about that time *Heidelburgh*, and all, but *Manheim* and *Frankendale*, was loſt; and *Manheim* he had ſaved by his induſtry, had it not been ſo ſuddenly delivered, as is by his Majeſty acknowledged by Letters of 24 *November*, 1622. written thus; *viz.*

A *And howſoever the Order given to the* Infanta, *for the relief of* Manheim, *arrived too late, and after the Town was yielded to* Tilly; *yet muſt we acknowledge it to be a good effect of your Negotiation, and an Argument of that King's ſincere and ſound intention.*

And *Frankendale* being, by the ſaid Earl's means, once ſaved, was again the ſecond time ſaved meerly by the ſaid Earl's induſtry; and procuring a Letter from the King of *Spain*, dated the ſecond of *February*, 1623. where-
B upon followed the Treaty of Sequeſtration, which hath ſince continued. And he, the ſaid Earl, was ſo far from hindring Succours by any Letter or Council of his, that he was the Sollicitor, and in great part, the Procurer of moſt of the Succours that had been ſent thither, as is formerly ſet down. And when his Royal Majeſty that now is, and the Duke of *Buckingham* arrived at the Court of *Spain*, they found the buſineſs of the *Palatinate* in ſo fair a way, that the Spaniſh Miniſters told them, the King
C ſhould give his late Majeſty a Blank, in which we might frame our own Conditions; and the ſame he confirmeth unto us now; and the like touching this Blank was likewiſe acknowledged by the Duke of *Buckingham* in his Speech in Parliament, after the return of his Majeſty out of *Spain*. And it will appear by the teſtimony of Sir *Walter Aſton*, and by his and the ſaid Earl's Diſpatches, that the ſaid Earl wanted not induſtry, and zeal in the buſineſs: inſomuch as the laſt Anſwer the ſaid Earl procured herein from the King of *Spain*, was fuller than he the ſaid Earl was
D ordered by his late Majeſty's lateſt Letters to inſiſt upon. So as by that which hath been alledged, the ſaid Earl hopeth your Lordſhips will be ſatisfied, not onely that he wanted neither Will nor induſtry, but that he hath, will all true zeal and affection, and with his own means, faithfully ſerved their Majeſties, and the Prince *Palatine* in this Cauſe: And for aſſurance in that affair, he had all that could be between Chriſtian Princes; and if in the ſaid Aſſurances there hath been any deceit, as by the ſaid Articles is intimated, which he never knew nor believed, he referred it to God to puniſh their wickedneſs; for betwixt Princes there
E can be no greater Tie, than their Words, their Hands and Seals, all which he procured in that behalf; and both the ſaid Earl and Sir *Walter Aſton* were ſo confident, that the buſineſs would be ended to his late Majeſty's ſatisfaction, that in a joynt Diſpatch to his late Majeſty of 24 *November*, 1623. after his own Majeſty's return into *England*, they wrote as followeth, *viz.*

F *We hope that your Majeſty may, according to your deſire ſignified to me the Earl of* Briſtol *by the Letters of* October 8. *give to your Majeſty's Royal Daughter this Chriſtmas the comfortable news of the near expiring of her great troubles and ſufferings, as unto the Prince your Son in the Congratulation of being arrived to a moſt excellent Princeſs.*

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And having thus given your Lordſhips an account of his proceedings touching the *Palatinate*, he will, by your Lordſhips good favours, proceed to the other part of that Charge concerning the Marriage.

His carriage, concening the Match.

And firſt, touching his hopes and aſſurances, that he is charged to have given to his late Majeſty, and his Miniſters of State here in *England*, of the *Spaniards* real proceedings in the ſaid Match, when, he ſaid, he knew he never meant it; He ſaith, he never gave any hopes of their real proceedings, but ſuch, and the very ſame that were firſt given to him, without adding or diminiſhing; neither could he have done otherwiſe, either with honeſty or ſafety. And he further ſaith, That the hopes he gave, were not upon any Intelligence; but as well in that of the Match, as the other of the *Palatinate*, his Advertiſements were grounded upon all the aſſurances, both of Words and Writing, that could poſſibly paſs between Chriſtians, as will be made evidently appear by his Diſpatch of 9 *September*, 1623. which he humbly deſires may be read, if the length of it may not diſpleaſe. The ſubſtance being to ſhew all the Engagements and Promiſes of the King of *Spain*, that he really intended the Match. And the cauſes why the *Conde Olivares* pretended to the Duke of *Buckingham*, that the Match was not formerly meant, was only thereby to free himſelf from treating any longer with the ſaid Earl, to the end that he might treat for larger Conditions in point of Religion with the ſaid Duke: The ſaid *Conde Olivares* taking advantage of having the Perſon of his Majeſty, then Prince, in his hands. And with this Diſpatch the ſaid Earl acquainted his Majeſty that now is, in *Spain*, before he ſent it. A B C

And by this Diſpatch the Earl doubted not, but that it will appear to this Honourable Court, that whilſt the Treating of this buſineſs was in hand, he proceeded in that, not only with care and induſtry, but with ſome meaſure of vigilancy. And for clearing an Objection that hath been alledged, that the Match was never meant before the Dukes coming into *Spain*, nor after; the Earl craveth leave to ſet down ſome few Reaſons of many, which cauſed him to believe that the ſaid Match was and hath been really meant, and that it was ſo conceived by both their Maieſties and the King of *Spain*, and their Miniſters on both ſides. D

Means to ſhew that the Match was intended by the Spaniards.

For firſt, The Duke of *Buckingham* certified his late Majeſty, that the buſineſs of the Marriage was brought to a happy concluſion; whereupon his late Majeſty was pleaſed to give order to the Duke and Earl, to proceed in the buſineſs; which his ſaid Majeſty would not have Treated till the ſaid Marriage was concluded, as will appear by a Letter of his ſaid late Majeſty jointly to the Duke of *Buckingham* and the ſaid Earl, of the 23 *July*, 1623. E

Secondly, It will appear by Letters of the ſaid Lord *Conway* to the Duke of *Buckingham*, bearing date *Septemb.* 4. 1623. That the ſaid Duke had good aſſurance of the concluſion of the ſaid Match; and upon this confidence were all things put in due execution in *England*, as had been Capitulated; and the Lord *Conway* and others faithfully agreed, and ſetled all the points of Immunity and Liberty for the Roman Catholicks, for the uſe of their Religion, as was ſet down in their Declaration, *Auguſt* 9. 1623. hereafter mentioned in the Anſwer to the Fifth Article of this Charge. F

Thirdly, The very day his now Majeſty and the Duke of *Buckingham* departed from the *Eſcurial* in *Spain* towards *England*, the ſaid Duke ſolemnly

ſolemnly ſwore the Treaty of the ſaid Marriage, and the furtherance of it all that ſhould be in his power, upon the holy Evangeliſts, in the preſence of the ſaid Earl and Sir *Walter Aſton*.

Fourthly, The Treaty of the ſaid Marriage had been formerly ſigned, ſealed, and ſolemnly ſworn by the King of *Spain*: And when his Majeſty and that King took their leaves, he did ſolemnly, in the words of a King, faithfully and punctually proteſt to perform all that had been capitulated
A in the Treaty of Marriage; and thereupon embraced his Majeſty at his departure, and ſent the very next day a Letter, written all with his own hand, to his Majeſty, vowing and proteſting to make all good that he had capitulated or promiſed unto his Majeſty, at his departure the day before. So that if there were no true meaning on the part of *Spain* to make the Marriage, as by Mr. Attorney is pretended, yet certainly the Earl hath not been ſleightly deceived; neither can it be, as he conceiveth, any fault in him, ſince not only his late Majeſty, but alſo his Majeſty that now is,
B and the Duke of *Buckingham*, being then both upon the place, did confidently believe, and that upon other grounds than miſinformations, ſuggeſtions, and perſwaſions of the ſaid Earl, that the Marriage was really intended: And to that effect, both his late Majeſty of bleſſed memory, and his moſt Excellent Majeſty that now is, after his return into *England*, wrote unto him, the ſaid Earl, ſeveral Letters, aſſuring him, that their intents and pleaſures were to have the ſaid Match proceeded in, and thereupon the Proxies of his Majeſty, then Prince, were again inrolled and
C ſent unto the ſaid Earl. So that the ſaid Earl having ſo many, and ſo great cauſes to be aſſured, that the Match was really intended on both ſides, he conceiveth it will be hard for Mr. Attorney to make good that part of his Charge, wherein he affirmeth, that the Earl ſhould know the contrary, or the Aſſurance to be upon falſe grounds, as in the ſaid Article is alledged.

II. To the ſecond Article, he directly denieth all the ſuppoſed Of-
D fences wherewith he ſtands charged by the ſaid Article. And for a clear declaration and manifeſtation of the truth and manner of his proceedings, he ſaith,

Firſt, As to the continuing the Treaties upon Generalities, That the Temporal Articles were by Agreements on both ſides not to be treated or ſetled, until ſuch time as the Articles of Religion were fully agreed on; for that it was held moſt proper and honourable for both ſides, firſt, to ſee if the difficulty of Religion might be removed, before they paſſed to
E any further Engagements. And the ſaid Articles of Religion, by reaſon of the Pope's new demands ſent into *England* by Mr. *Gage*, were not ſigned nor condeſcended unto by his late Majeſty, nor his Majeſty that now is, then Prince, until *Jan.* 5. 1622. and were then ſent away by Poſt out of *England* to the ſaid Earl by Mr. *Simon Digby*, who arrived with them at *Madrid* in *Spain* about the 25. of the ſame month. But the Earl's care was ſuch to have no time ſpent in the ſetling of the Temporal Articles, that before he would condeſcend ſo much as *de bene eſſe* unto the Articles
F of Religion, that they ſhould be ſent back to *Rome*, he procured the King of *Spain* to promiſe, That within the time limited for procuring the *Deſponſories*, which was by *March* or *April* following at the furtheſt all Temporal Articles ſhould be ſetled and Agreed, to the end that the *Infanta* might be delivered at the Spring, as by the King of *Spain* his Anſwer in writing was declared to be the King's intention; and accordingly

An. 1626. cordingly Sir *Walter Aſton* and the ſaid Earl did not deal in general, but did moſt induſtriouſly labour to ſettle all in particular, *viz.* That the Portion ſhould be Two Millions, it appearing, that it was ſo agreed by the late King of *Spain*; That the Diſpenſation coming, the *Deſponſories* ſhould be within fourty days after; and that *Don Duarte de Portugal* ſhould be the man that ſhould attend the *Infanta* in the Journey. And all other particulars neceſſary for the concluſion of the ſaid Treaties, were, by Sir *Walter Aſton* and the ſaid Earl, and the Spaniſh Commiſſioners, drawn up into Heads, in writing, and, after many debates, they were conſulted with that King; and 2 *Martii* 1623. *ſtilo vet.* the *Conde Gondomar*, and the Secretary *Don Andreas de Prada*, were appointed to come home to the houſe of the ſaid Earl, to ſignifie unto Sir *Walter Aſton* and himſelf, as they did, That the King of *Spain* had declared his reſolution in all the Particulars, and given them order to come to a ſpeedy concluſion with them in all things: And that King's Anſwer to that Concluſion the Earl ſaw, and read, all written with the King of *Spain*'s own hand. A B

On the ſeventh day of the ſaid month of *March*, 1623. the King's Majeſty, then Prince, and the Duke of *Buckingham*, arrived at *Madrid*; and the Spaniards took new Laws, and the Negotiation was put into a new form. So that whereas it is objected againſt the Earl, that he entertained and continued the Treaties ſo long upon Generalities, he conceives it is not meant upon the Spiritual Articles; for they were ſuch as were ſent from *Rome* into *England*, from thence they came to the Earl: And for the Temporal Articles, they were not to be ſetled and treated, till the Articles of Religion were concluded. He conceiveth it cannot be alleaged with any colour, that his Majeſty was entertained with Generalities, ſince the time that the ſaid Articles of Religion were brought unto the ſaid Earl by Mr. *Simon Digby*, being about the 25. of *January*, There were but ſix weeks until *March* 7. following, when his Majeſty, then Prince, arrived in *Madrid*; and, in the interim, all the above-mentioned Particulars were ſetled: And the time that hath been ſpent in this Treaty, hath not been through his, the ſaid Earl's default, in continuing upon Generalities, without preſſing to Particulars, but hath been cauſed, as well by Difficuities which the buſineſs brought with it, as alſo with exterior Accidents, *viz.* The Wars of *Bohemia*, the death of two Popes, and the late King of *Spain*, without the leaſt fault of the ſaid Earl, as is acknowledged by the late King of bleſſed memory, in the ſaid Earl his Inſtructions, on the 14 of *March* 1621. C D

Briſtol not the cauſe of the delays in *Spain*.

Neither could any delay herein be attributed unto him the ſaid Earl; for he was employed in thoſe times into *Germany* and *Flanders*, and Sir *Walter Aſton* & Sir *Francis Cottington*, for the ſpace of three or four years, were reſident in *Spain*; from whence, the hopes they gave were upon all the diſcreet grounds that Miniſters can expect from a State: But the Earl re-aſſumed this buſineſs ſix months before his Majeſty's coming into *Spain*; and he was ſo deſirous to ſee his Majeſty, then Prince, beſtowed, that he preſſed nothing ſo much, both to the King and Prince, as that the Prince might loſe no more time, and rather to break the Match with *Spain*, than ſuffer any further delays; as will appear by his Diſpatches from his firſt arrival at the Court of *Spain*, until his Majeſty, then Prince, his coming. For in his Letters of *June* 20. 1622. being the firſt he wrote after his firſt Audience, he was ſo deſirous that no time might be loſt, that in them he craveth leave of his Majeſty, that in caſe he ſhould find any E F

Delays

Delays in *Spain*, he might, without expecting any Order, take his leave and come home.

Upon the return of Sir *Francis Cottington*, in *September* following, he wrote both to the King, and his Majeſty, then Prince. To the King, as followeth.

A *I Shall preſume to add to that which Mr.* Cottington *ſhall deliver unto your Majeſty by word of mouth, of the preſent eſtate of the Match, what I conceive to be the right way to bring it to a ſpeedy iſſue: That your Majeſty will be pleaſed poſitively to declare, what you will do in point of Religion, and that you will appoint me a certain limited time, by which this King ſhall procure the Diſpenſation, or conclude the Match without it; and in caſe there ſhall be any further delay therein, that I may then declare your Majeſty to be free and diſengaged, to beſtow the Prince in ſuch ſort, as you ſhall judge moſt convenient.*

B And to the Prince, at the ſame time wrote in theſe ſubſequent words, *viz.*

C *THat which will be neceſſary for his Majeſty preſently to do on his Majeſty's part, is, to declare himſelf, how far he will be pleaſed to yield, in point of Religion, as Mr.* Cottington *will approve unto your Highneſs: And that he ſet a prefixed time to break or conclude the Match, either with the Diſpenſation, or without the ſame. And for the reſt, it may be left to my Negotiation. But your Highneſs may be pleaſed to haſten his Majeſty's reſolution with all poſſible ſpeed.*

D And the ſaid Earl ſaith, That having received from his ſaid late Majeſty his reſolution in point of Religion, and a limited time according to his deſire, he was ſo preciſe and punctual therein, that although the making or breaking of the Marriage depended upon it, he would not give one months reſpite longer time for the procuring of the Diſpenſation, until he had firſt acquainted his late Majeſty therein, and received his directions under his own hand; as will appear by his Majeſty's Letter of *October* 25. 1622. as followeth.

E *RIght truſty and well-beloved Couſin and Counſellor, We greet you heartily well. Whereas by your laſt Letter written to our Secretary, dated* Sep. 29. *you are deſirous to have our pleaſure ſignified unto you under our own hand. Whether we will be content or not to grant a months time longer, for the coming of the Diſpenſation from* Rome, *than we have already limited unto you, in caſe they ſhall there conclude all things elſe to our contentment, with a reſolution to ſend the* Infanta *hither the next Spring: We do hereby declare unto you, that in that caſe you ſhall not break with them for a months longer delay. We alſo wiſh you not to trouble your ſelf with the raſh cenſure of other men, in caſe your buſineſs ſhould not ſucceed; reſting in that full aſſurance of our Juſtice and Wiſdom, that we will never judge a good and faithful Servant by the effect of things ſo contingent and variable. And with this aſſu-*

F *rance we bid you heartily farewel.*

And he further ſaith, That when he had agreed to the Articles of Religion, and that a certain time was ſet for the coming of the Diſpenſation, and a Concluſion of the Match, although he would bind himſelf to nothing without his Majeſty's approbation, yet for that no time might

be

An. 1626. be loſt, he agreed to the Propoſitions, *de bene eſſe*, ſent by Mr. *Porter*, December 10. 1622. to the end the Articles might be immediately ſent to *Rome*, without loſing ſo much time as to hear firſt from *England*: And humbly moved, that in caſe his Majeſty ſhould like of the ſaid Articles, he would ſend his Approbation directly to *Rome* for the gaining of time; which his Majeſty was pleaſed to do. And at the ſame time he wrote both to his ſaid late Majeſty, and his Majeſty, then Prince, as followeth, *viz.* to his Majeſty,

This is the true ſtate of the buſineſs as it now ſtandeth. If your Majeſty approve of what is done, I hope it will be a happy and a ſhort concluſion: If your Majeſty think it not fit to allow and condeſcend to the ſaid Articles, I have done the uttermoſt of my endeavours, and ſhall humbly perſwade your Majeſty not to loſe a day longer in the Treaty; ſo much it importeth your Majeſty and your Kingdoms, that the Prince were beſtowed.

And to the Prince in Letters of the like date, in this ſort.

I have preſumed to write to his Majeſty, that which I think my duty to ſay to your Highneſs; That in caſe you ſhall not approve of what is now conditionally agreed, you permit not a day more to be loſt in this Treaty: For it is of ſo great conſequence that your Highneſs were beſtowed, that it importeth almoſt as much that you were ſpeedily, as fitly matched. But I hope his Majeſty, and your Highneſs, will in ſuch ſort approve of this laſt Agreement, as you will ſpeedily bring this long Treaty to a happy concluſion. I am out of hope of bringing things to any better terms; therefore I deal clearly with your Highneſs, and do not only moſt humbly perſwade, but, on my knees, beg it of you, that you either reſolve to conclude this Match as you may, or ſpeedily to break it, and beſtow your ſelf elſe-where; for no leſs than the happineſs of your Kingdom, and the ſecurity of the King your Father, and your Self, depend upon it.

All which things being conſidered, the Earl moſt humbly ſubmitteth himſelf to the Judgment of that moſt High, and Honourable Court, whether the delays which Accidents have brought forth in this buſineſs, can be attributed to his fault; ſince on the one ſide it will evidently appear to your Lordſhips, that he never moved his Majeſty and the Prince to admit of delays, but rather to think of ſome other courſe; and it will on the other ſide appear by all the Diſpatches, that he preſſed things with the Miniſters of *Spain* to as ſpeedy a concluſion, as the uttermoſt terms of fair Negotiation and good manners would bear. And whereas it is pretended, that the *Spaniards* ſhould take occaſion, by entertaining the ſaid Treaties, to abuſe his ſaid late Majeſty (which he knoweth not) yet, he ſaith, he uſed all the vigilancy and induſtry that a careful Miniſter could do, and had from the *Spaniards* all the aſſurances, by oaths, words, and writings, which could be expected from Chriſtians; the which, without adding or diminiſhing, he faithfully preſented unto his ſaid late Majeſty; and his ſaid late Majeſty was pleaſed, in thoſe times to conceive upon thoſe aſſurances, that they dealt really with him: And he conceiveth that his Majeſty that now is, then Prince, and the Duke of *Buckingham*, were pleaſed to write as much to the late King's Majeſty, at their firſt coming into *Spain*, and that all which the Earl had written, touching that employment, was there avowed by the *Conde Olivares* and *Conde Gondomar*, to the ſaid Prince and Duke, at their arrival at *Madrid*; and he hopeth, that if that Diſpatch may be peruſed, it will as well appear and be adjudged, that he ſerved his Majeſty with ſome meaſure of vigilancy, as well as fulneſs of fidelity.

II. To

2 *Caroli.*

III. To the third Article the ſaid Earl ſaith, That he did not, either by words or by Letters to his late Majeſty or his Miniſters, extol, or magnifie the greatneſs and power of the King of *Spain*, nor repreſented to his late Majeſty the ſuppoſed danger that might enſue unto him if a War ſhould happen between him and the King of *Spain*, nor affirmed, nor inſinuated the ſame, as in the ſaid Article is mentioned; but if he did at any time ſpeak or write of the power and greatneſs of the King of *Spain*, or repreſent any danger to his ſaid late Majeſty that might enſue by entring into Hoſtility with the ſaid King of *Spain*, it was as a faithful Counſellor and Servant to his Majeſty by way of his Advice and opinion, which he ever delivered ſincerely, faithfully, and truly according to the preſent occaſion, and in no wiſe with ſuch an intent as in the ſaid Article is mentioned, nor to any other evil intent or purpoſe whatſoever.

He never diſſwaded the King to take Arms.

But he hath been ſo far from diſſwading his late Majeſty to take Arms, that he hath upon all juſt occaſions adviſed, that all fitting preparations for War might be made, as beginning with the year 1621. from which time he is only charged, will appear by his Speech in Parliament preſently after his return out of *Germany*; and that he hoped his Majeſty would no longer rely upon ſingle Treaties, but make all fitting preparations for War; and that the Parliament would enable his Majeſty thereunto; and by the care he took before his going again upon his Ambaſſage into *Spain*, that the eſtabliſhment of an Army under his Majeſties own Standard, of Horſe and Foot, and under his own pay, might be ſetled and provided for; as likewiſe his Advice to the Lords of the Council, that his Majeſty might have a curb upon the King of *Spain* upon all occaſions, by continuing Sir *Robert Mansfields* Fleet upon the Coaſts of *Spain*, as will appear by his Letter written from *Vienna*, 26 *July* 1621. mentioned in the anſwer to the firſt Article. By all which it appeareth, that he laboured and endeavoured as much as in him lay, that his Majeſty might be well prepared for any occaſions of War that ſhould happen. And he no way remembred to have diſcouraged, or to have ſpoken or written any thing that might have been underſtood to have tended to the diſcouraging of his ſaid late Majeſty for the taking of Arms, and entring into Hoſtility with *Spain*, or for reſiſting of him and his Forces, from attempting the Invaſions of his late Majeſties Dominions, or the Dominions of his late Majeſties Confederates, Friends or Allies, as by the ſaid Articles is charged againſt him; neither remembreth that he had any cauſe ſo to do. But if he have in any kind ſpoken or written of *Spain*, or the power thereof, it may have been to his late Majeſty, or to his Majeſty that now is, by way of diſcourſe, ſpeaking of the ſolidneſs of the Spaniſh proceedings, of their ſerious and deliberate debating of buſineſs before they reſolve on them, of the conſtant purſuing of them when they are once reſolved wiſhed that *England* and other Nations would therein imitate them: For he ſuppoſeth the right way to impeach their greatneſs was to grow as wiſe as they, and to beat them at their own weapons. But otherwiſe he is confident never to have been heard to ſpeak or write any thing that might have any terror or diſcouragement; to his late Majeſty or his chief Miniſters, knowing that *England* well ordered, need to take little terror at the power of *Spain*, having almoſt in all attempts and enterpriſes won honour upon them. And as for the preventing of dangers that might enſue upon a War, though he knew not what is

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aimed at in that particular: yet he is moſt confident out of the Integrity of his own Conſcience, That he neither ſaid, nor adviſed any thing but what beſitted a faithful Counſellor and Ambaſſador, which was truly to deliver his opinion as he underſtood it upon the preſent occaſion: And as for affirming that his Majeſties quiet ſhould be diſturbed, and he not to be permitted to Hawk or to Hunt, he remembreth not what diſcourſe he may have had, or written to any perſon, how fit it might be upon the being broiled in a great War, ſeriouſly to intend it, and make it our whole Work. But as he is confident it will appear, that what diſcourſe ſoever it might have been, it wanted not true zeal and affection which he hath ever born to the Kings Service, and he hopeth it will not be found to want due reſpect and reverence on his part, which he ought to ſhew to ſo gracious a Maſter. Neither can it be conceived, that the conſiderations of Hunting and Fowling, ſhould be conſiderations worthy ſo great and prudent a King, to with-hold from a War for the good of Chriſtendom, and his Kingdom, if he ſhould have been juſtly provoked thereunto. A B

IV. To the fourth Article the ſaid Earl ſaith, That he did not any thing contrary to his Duty and Allegiance, or contrary to the Faith and Duty of an Ambaſſador, as by this Article is alleadged; but did intend the ſervice and honor of his late Majeſty; and no corrupt and ſiniſter ends of his own advancement, as by this Article is ſo alleadged. And as for the Conference which is pretended he ſhould hold concerning the Treaty That being told there was little probability that the ſaid Treaties would or could have good ſucceſs, he ſhould acknowledge as much; and yet ſaid, he cared not what the ſucceſs thereof might be, but that he would take care to have his Inſtructions perfect, and to purſue them punctually, and would make his Fortune thereby, or words to that effect; he doth not ever remember to have held ſuch diſcourſe. Though it be true, the time hath been many years ſince, when he thought the Match very unlike to be effected, in regard unequal Anſwers were given in Prince *Henries* days, and of the unlikelyhood of accommodating the differences of Religion; and ſaith further, That the reviving of the Treaty of the ſaid Match for his Majeſty that now is, was not by his means, for he ever declared his opinion clearly, both to his late Majeſty, and to his Majeſty that now is, That in the firſt place he wiſhed and adviſed a Proteſtant Match, but in the duty of a Servant underſtanding that both their Majeſties deſired the Match really with *Spain*, he did really and faithfully intend the ſervice and honor of their Majeſties, and effectually endeavoured to procure their ends. And it is very likely he might ſay, he would get his Inſtructions perfect, and purſue them punctually, as he conceiveth was lawful and fit for him; but the latter part of this Conference, that he ſhould ſay he would make his Fortune by it, or any other words to that effect, he was in *Anno* 1621. And ever ſince of that rank and quality, both in regard of his Imployments, Fortunes, and his Majeſties Favors, that he aſſureth himſelf he did not, and dares anſwer ſo far for his diſcretion, That it was impoſſible for him to hold ſo mean and unworthy diſcourſe. C D E F

He adviſed both King and Prince to a Proteſtant match.

V. To the Fifth Article he ſaith, That what is therein alleadged, is ſo far from being ſo, that contrarily upon all occaſions to the uttermoſt of his power, he did labour to prevent all the inconveniencies in point of Religion that might come by matching with a Princeſs of a different Religion,

ligion, as well appeareth by the Paper of his opinion, that his Majeſty ſhould Marry with a Lady of his own Religion, hereafter mentioned in his Anſwer to the Seventh Article. And for further proof thereof, he ſaith, That in the whole Treaty with *Spain*, he ſtood more ſtrict in points of Religion, than by his Inſtructions he needed to have done, as will appear by the Teſtimony of Sir *Walter Aſton*, and his Diſpatches, of the Twelfth of *December*, 1622. and other Diſpatches which he deſireth may be read. And as for concealing or perſwading to ſet at liberty the Prieſts or Jeſuits, he utterly denieth to have done any ſuch thing, as before he hath anſwered. Although it be true, that the Ambaſſage in *Spain* be far different from the employment of other places, where there is a Body of our Reformed Religion, and whereby his Majeſty hath Kindred and Allies; whereby his Majeſties Miniſters may be informed of the neceſſary Occurrents of State without the help of Prieſts or Jeſuits. But in *Spain* there being none but *Roman* Catholicks, nor any manner of correſpondency or intelligence but by them, the Ambaſſadors muſt make uſe of all ſorts of People, eſpecially of Jeſuits and Prieſts, and to that end Ambaſſadors ſent thither, have a large and particular Warrant under the Kings hand, to Treat and make uſe of Prieſts and Jeſuits, and all other ſorts of men, unleſs it be ſuch as are proclaimed Rebels. And divers times the Miniſters employed in *Spain*, to gratifie ſome whom there they employed for the Kings Service, have as he believeth, at their particular Suit moved his Majeſty to extend Grace and Favour to ſome particular Friend, and Kinſman of his, being a *Roman* Catholick, and impriſoned in *England*; and that he remembreth to have happened to others; but doth not remember himſelf to have written to his late Majeſty in that kind: And as concerning his advice and Counſel, to ſet at liberty Jeſuits and Prieſts, and the granting to the Papiſts a Toleration, or the ſilencing of the Laws againſt them, he ſaid, that his late Majeſty was engaged by the Treaty at *Madrid*, 1617. in divers Matters concerning Religion; likewiſe by promiſe to *Conde Gondomar*, and his Letters to the King of *Spain*, 17 *April*, 1620. wherein he is pleaſed to promiſe ſome particulars in favour of Roman Catholicks, as by the ſaid Letters will appear: And underſtanding the ſaid Earl had ſufficient Warrant under the Kings own hand to aſſure the King of *Spain* whatſoever was agreed in the ſaid Articles, or in the ſaid Letters, his Majeſty would ſincerely perform: yet the ſaid Earl was ſo cautious in that point, that when for the concluſion of the Match the other Articles of Religion being allowed, it was preſſed by the *Spaniſh* Miniſters, that a Clauſe of Convenience might be inſerted with Proteſtation, That the form and way thereof ſhould be wholly left to his Majeſties wiſdom and Clemency, and that his Majeſties *Roman* Catholick Subjects ſhould acknowledge this Grace to have come from the King's Majeſties Mercy and Goodneſs: Yet the ſaid Earl would not condeſcend hereunto *De bene eſſe*, as by his Letters to Maſter Secretary *Calvert*, 8 *Octob.* 1622. will appear, hereby to give his Majeſty time to have recourſe unto his ſecond Conſultation, and to take it into conſideration before he would engage or bind himſelf in this point: But his late Majeſty, and his Majeſty that now is, were pleaſed to condeſcend hereunto by ſigning the ſaid Articles with their own hands, and likewiſe by writing their private Letters of the eighth of *January*, 1622. to that effect to the King of *Spain*, as by the ſaid Letters will appear. Neither did the ſaid Earl by Letters, or otherwiſe, ever Counſel or perſwade his late Majeſty, to grant or allow unto the Papiſts or Profeſſors

He never moved his Majeſty to ſet Prieſts at liberty.

An. 1626. feſſors of the Romiſh Religion a free Toleration, and Silencing of the Laws made and ſtanding in force againſt them, but ever proteſted againſt any ſuch Tolerotion; and when any ſuch proviſion hath been offered to be made in *Spain*, he ever refuſed ſo much as to give ear to it, or to ſuffer it to be propounded: although it be true, that he hath ſince ſeen a Paper touching Pardons, Suſpenſions, and Diſpenſations for the *Roman* Catholicks, bearing date the ſeventh of *Auguſt* 1623. Signed by the Lord *Conway*, and others, which in effect is little leſs than a Toleration; which Paper is that which followeth: A

Salisbury, 7 Auguſt, 1623. B

The Declaration touching the Pardons, Suſpenſions, and Diſpenſations of the *Roman* Catholicks.

A Declaration ſigned by my Lord *Conway* in behalf of the Roman Catholicks.

FOr the ſatisfaction of their Excellencies, the Marquels Ynojoſa and Don Carlos de Colonia, the Lords Ambaſſadors for the King of Spain; and to the end it may appear that his Majeſty of Great Brittain will preſently and really put in Execution the Grace promiſed and intended to the Roman Catholicks his Majeſties Subjects, and of his own Grace more then he is tyed to by the Articles of Treaty of Marriage. C

We do Declare in his Majeſties Name, That his Majeſties Will and Pleaſure is, that a Legal and Authentical Pardon ſhall be paſſed under the Great Seal, wherein ſhall be freely pardoned all thoſe Penalties, Forfeitures, and Seiſures, Indiaments, Condiaments, and Incumbrances whatſoever, whereunto the Roman Catholicks are lyable or have been proceeded againſt, or might be as well Prieſts, as others, for matters of Conſcience only, and to which the reſt of his Majeſties Subjects are not liable. And to the end his Majeſty may make himſelf clearly underſtood, where it ſhall happen that any of thoſe Forfeitures and pecuniary Mulcts have been given away under his Majeſties Great Seal; his Majeſty will not hide that it is not in his power ſo to make void thoſe Letters Patents, except they be voidable by Law; and then his Majeſty is well pleaſed that all Roman Catholicks may in theſe Caſes plead in Law, if they find it good, and ſhall have equal and legal Trial. And his Majeſty is likewiſe pleaſed, that his General Pardon ſhall remain in being five years, to the end, all that will, may in that time take it out; and his Majeſty will give order for the Comfort of the poorer ſort, that the Pardon ſhall not be coſtly, but ſuch-like courſe ſhall be taken as was in a like occaſion at his Majeſties coming into England; and that it ſhall be lawful to put as many as can be poſſible into one Pardon. D E F

And we do further Declare, That his Majeſties Will and Pleaſure is, to the end the Roman Catholicks his Majeſties Subjects may have a preſent and a free fruition of as much as is intended them

2 Caroli.

them by the Articles of Treaty of Marriage, to cauſe a preſent Suſpenſion under his Majeſties Seal of all thoſe penal Laws, Charges and Forfeitures, whereunto the Roman Catholick Subjects of his Majeſty have heretofore been ſubject, and to which the reſt of his Majeſties Subjects have not been liable; and in the ſame Grant and under the ſame Seal, to give a Diſpenſation and Toleration to all the Roman Catholicks his Majeſties Subjects, as well
A Prieſts, as Temporal perſons and others, of and from all the Penalties, Forfeitures, Troubles, and Incumbrances, which they have been or may be ſubject to, by reaſon of any Statute or Law whatſoever, to the obſervation whereof the reſt of his Majeſties Subjects are not bound. We do likewiſe Declare, that his Majeſty hath promiſed on his Royal Word, that the execution ſhall be no ways burthenſome or penal to the Roman Catholicks, but that for the manner of priviledging; and freeing them from that, he muſt conſer with Biſhops and Ad-
B vocates, into which he will preſently enter and expedite by all means.

And we do further Declare; That his Majeſties intention is preſently to purſue his former directions (which had been before executed if their Excellencies had ſo thought good) to put under his Seal ſeverally the ſaid Pardon and Suſpenſion, and Diſpenſation; and that his Majeſties Attorney and Learned Council ſhall have referred to them the Charge to Pen them with all thoſe effectual Words, Clauſes, Expreſsions, and Reſervations, which may preſently give
C fruition to the Roman Catholicks his Majeſties Subjects, and make them inviolable in the fruition of all that is intended and promiſed by his Majeſty in the Articles of Marriage, and his Majeſties further Grace.

And we do Declare, That his Majeſties further Will and Pleaſure is, for the better ſatisfaction and diſcharge of the care and endeavour of their Excellencies the Ambaſſadors, that it ſhall be lawful to them to aſsign a diſcreet perſon to entertain ſuch ſufficient Lawyers as ſhall
D be thought fit to take care to the ſtrength, validity, and ſecurity of the ſaid Grants: and his Majeſties Attorney ſhall have charge to receive and admit the ſaid Lawyers to the ſight and judgment of the ſaid Draughts, and in any doubts to give them ſatisfaction, or to uſe ſuch legal, neceſſary, and pertinent Words and Phraſes, as he the ſaid Lawyer ſhall propound for the ſecurity of the Roman Catholicks, and ſure making of the ſaid Grants.

And we do further Declare, That his Majeſties pleaſure is to make
E a diſpatch into Ireland unto his Deputy there, by the hands of the Lord Treaſurer and Secretary of State Sir George Calvert, for the preſent confirming and ſealing the things concerning the Roman Catholicks anſwerable to the Articles of Treaty, his Royal promiſe and Proceedings here. And for Scotland, That his Majeſty according to the Conſtitution of his Affairs there, and regard to the Publick good, and peace of that Kingdom, and as ſoon as poſsible, will do all that ſhall be convenient for the accompliſhment of his promiſe in Grace
F and Favour of the Roman Catholicks his Subjects, conformable to the Articles of Treaty of Marriage.

But

1626. But this Declaration, the ſaid Earl ſaith and affirmeth was the effect of the Duke of *Buckingham's* Negotiation, and treated and concluded by the Lord *Conway* with the *Spaniſh* Ambaſſador here, whilſt the Prince was in *Spain*; neither was his privity or advice in it: For if he had known it, he ſhould have proteſted againſt it. All which, together with the difference betwixt the Conditions of Religion agreed at the Treaty of *Madrid*, 12 *December* 1622, by the ſaid Earl, and the ſaid Sir *Walter Aſton*, being by their Lordſhips conſidered, the ſaid Earl doubteth not but that it will manifeſtly appear whoſe endeavour it was to advance the *Romiſh* Religion, and the Profeſſors thereof; and judges the ſaid Earl moſt unfortunate to be charged with an Article of this kind. A

VI. To the Sixth Article the Earl ſaith, That the Aſſurances which he gave his late Majeſty, and his Majeſty that now is, concerning the Treaties were ſuch, That it had been diſhoneſty and breach of his Duty and Truſt, for him to have held them back, being the ſame that were given him by the Emperor, and the King of *Spain*, and their Miniſters, upon as great Aſſurances as can paſs between Miniſters of Princes in the like caſe. And for the delays of *Spain* they could be never ſo ill, and with ſo little colour complained of, as at the time of his Majeſties coming thither; for that a certain time was before then prefixed for the coming of the Diſpenſation, *viz.* in *April* 1623. at the furtheſt, which was the next Month after the Princes arrival at *Madrid*; the *Deſponſories* were to be within four days following, and the *Infanta* begin her Journey into *England* twenty days after: So as three Months patience longer would have ſhewed the iſſue of the buſineſs without putting of the perſon of the Prince, being Heir-apparent to the Crown, in ſo eminent a hazard for the trying of an experiment. And it is an argument of great ſuſpition, becauſe the *Spaniards* were ſuſpected to have dealt falſly, and ſo the leſs to be truſted with the Perſon of the Prince, to be put into their hands to try concluſions: But the truth is, though that were made the pretended ground, and the occaſion of the journey, it was neither the Aſſurances of the ſaid Earl, nor the jealouſies of *Spain*, but other Motives that were the original cauſe of his Majeſties ſaid journey, as ſhall be ſufficiently made apparent in due time. And the ſaid Earl having got an inkling of it by ſomething that was let fall from the *Conde Gondomar* to that purpoſe, inſtantly diſpatched away by Mr. *Griſly* to his late Majeſty to have his journey prevented; who upon the Confines of *France*, met with his Majeſty and the Duke of *Buckingham* on his journey towards *Spain*, and told them as much. So that although he confeſſeth what is laid in the charge to be true, *viz.* That by the ſaid Journey, the Perſon of the Prince, the Peace and Safety of the Kingdom did undergo further danger (at the remembrance thereof the hearts of all good Subjects do tremble) yet the blame is due to the Authors and Adviſers of the ſame Journey, and not to the ſaid Earl; And although it pleaſed God, to the exceeding great joy and comfort of the ſaid Earl, and of all good men, to ſend his gracious Majeſty home with ſafety, yet never was the perſon of any Prince, upon ſuch grounds, expoſed to ſo great an hazard; and in ſuch Caſes, not the Succeſs but the Counſellors are conſiderable. B C D F

VII. To the Seventh Article the ſaid Earl ſaith, that he did not move

2 *Caroli.*

move or perſwade his Majeſty, then Prince, to change his Religion neither in the manner in the ſaid Article mentioned, nor in any other manner whatſoever: Neither doth he conceive, that the charge in it ſelf as it is laid, will in any reaſonable conſtruction bare any ſuch inference as is made therein; ſo as he conceiveth, he needeth not make any further or other anſwer thereunto. Yet that it may appear, that the manner he uſed to the ſaid Prince, was not traiterouſly, falſly, or cunningly, nor without ground, or to any ſuch intent, as in the ſaid Article is ſuppoſed; And to manifeſt unto this moſt high and honourable Court, how far he was from all ſuch intention, he ſaith, That he doth acknowledge that within few days after his Majeſties coming into *Spain*, whilſt he had the great honor to have his Majeſty lodged at his Houſe and to have ſo Royal a gueſt, finding by the *Spaniſh* Miniſters, That there was a general opinion, that his Majeſties coming thither was with an intention to become a *Roman* Catholick; and the *Conde Gondomar* having that very Morning preſſed the Earl not to hinder ſo pious a Work (as he term'd it) of his Majeſties Converſion, and ſeeming to be aſſured of the Duke of *Buckingham*'s aſſiſtance therein, his Majeſty being all alone in a withdrawing-Room in the ſaid Earl his Houſe, the ſaid Earl kneeled unto him, and told him, That he had a buſineſs to impart unto him, which highly imported his Majeſty to know, ſo that he may be aſſured his boldneſs therein might be pardoned; which his Majeſty graciouſly promiſed. And thereupon the ſaid Earl told his Majeſty, That the general opinion of the Court was, that his Majeſties coming into *Spain*, was with an intention to be a *Roman* Catholick, and there to declare it. And he confeſſeth, That at the ſame time in regard of thoſe things he had heard, he humbly beſought his Majeſty to deal freely with him as a Servant, of whoſe fidelity he might be confident, or words to that effect: but he was ſo far from perſwading his Majeſty to be a *Roman* Catholick, that without reſpecting his Majeſties Anſwer, he declared himſelf to be a Proteſtant, and ſo ſhould always continue; yet he ſaid, he ſhould always ſerve his Majeſty, and labour to advance his, and the King his Fathers Affairs, with as much fidelity and honeſty, as any Catholick whatſoever: and his Majeſty was pleaſed then to make unto the ſaid Earl, a full and clear Declaration of his Religion, and of his conſtant reſolution therein; and ſeemed to be much diſpleaſed, that any ſhould have ſo unworthy an opinion of him, as to think he would for a Wife, or any other earthly reſpect whatſoever, ſo much as waver in his Religion. Whereupon the ſaid Earl beſought his Majeſty to pardon his boldneſs, and then intreated him not to ſuffer his buſineſs to be overthrown by permitting that conceit of his Converſion any longer to remain in the *Spaniards*, nor to any thing that might give them hope therein, alleadging, That it was impoſſible the Marriage could be without a Diſpenſation; and ſo long the *Spaniards* who were to procure the Diſpenſation, ſhould have hope of his Majeſties Converſion they would never content themſelves with a part; to which they were tyed by the Articles agreed upon with the ſaid Earl and Sir *Walter Aſton*. At which time his Majeſty was pleaſed to approve of his opinion, and ſaid, He would expect the Diſpenſation, and did thereupon afterwards ſend Mr. *Andrews* to *Rome* to haſten it; and the next day the ſaid Earl dealt very roundly with the *Conde Olivares* and *Gondomar*, telling them it was a diſcourteous manner of proceeding to preſs his Majeſty to further Conditions then were formerly agreed upon in point of Religion, and to make his Conditions the worſe, for the great Obligation he had put upon them

He perſwaded not the Prince to change his Religion.

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them by putting himſelf into their hands; whereat they took ſuch great offence, that they eſtranged themſelves from him for a long time after. And that the ſaid Earl did thus proceed with the ſaid *Conde*'s, and that it was not a new framed Anſwer to ſatisfy preſent Objections; but that which really and indeed paſſed, will really appear by his Diſpatches unto his late Majeſty of bleſſed Memory; and before his Majeſty that now is, came out of *Spain*, they were there ſhewed unto his Majeſty, bearing date the ninth of *September*, 1623. So that although it be true, That he the ſaid Earl did not diſſwade his Majeſty, for that there was no cauſe for it; yet without expecting his Majeſties Anſwer, he firſt made a clear and true Profeſſion of his own Religion; and when his Majeſty had declared to him his zeal and conſtancy, he humbly beſought him, That the *Spaniards* might not for any reſpect be longer held in hopes of that point. And becauſe point of Religion is that which all men of honour and honeſty ſhould chiefly deſire to clear, eſpecially having an imputation of that nature laid upon them, as the ſaid Earl hath in the ſaid Article. He humbly beſeecheth your Lordſhips, that he may not ſeem to digreſs from his Charge; intending your Lordſhips ſatisfaction in that particular, not by the aforeſaid verbal diſcouſe only, which he profeſſeth was in much zeal to Religion and dutiful care to the Prince in that kind, but by ſome written Teſtimony of his former opinion both of the Match and Religion. When he was firſt employed into *Spain* for the Treaty of this Marriage, 1617. his late Majeſty having commanded him to give an account thereof unto his Majeſty that now is, he at his departure towards *Spain* preſumed to give unto his Majeſty that now is, his opinion in Writing, Signed with his own hand, to be kept as a teſtimony of future Actions, the Copy whereof is this as followeth.

A B C D E F

He adviſed both King and Prince; if they will Match with a Catholick, rather to *Spain* than *France* but chiefly, to a Proteſtant Princeſs.

SIR,

THE opinion which I have ever preſumed humbly to offer unto his Majeſty concerning your Highneſs Marriage, hath been, that both in regard of Conſcience and ſatisfaction unto his Majeſties People and Allies; likewiſe for the ſecurity and quiet of your Majeſties Eſtates, Your Highneſs might take for Wife ſome Proteſtant Princeſs, although ſhe neither were Daughter to a King, nor had ſo ample a Portion as might relieve the Kings preſent Neceſſities and Wants; for then there might be many ways found to help the Kings wants, either by ſome few years providence and frugality, or by winning the affections of the people to the ſupplying of his Majeſty by way of Subſidies in Parliament; whereas contrarywiſe, if the number and power of the Papiſts ſhall be increaſed as undoubtably they will be by your Highneſs matching with any Catholick Princeſs, through the conceſſion which muſt be of neceſſity for the exerciſe of her Religion for her ſelf and Family, within your Highneſs Courts, and thereby by degrees theſe two different Religions ſhall grow to an equality of power; it will be great hazard and diſquiet to the State, and not to be redreſſed without great danger, and courſes of more violence, then is uſual for this State to put in practice. But in caſe his Majeſty out of his wiſdom and conſideration beſt known to himſelf, hold it fitteſt that your Highneſs match with France *or* Spain *or any other Catholick, either for that the preſent time affordeth no Proteſtant Princeſs, who is for years or Blood ſuitable for your Highneſs, or that can in any conſiderable meaſure by the Portion, ſupply his Majeſties preſent wants, I then conceive that the Match by which this State ſhall ſuffer leaſt inconveniency and cumbers, and whereby his Majeſties neceſſities ſhall by the*

greatneſs

greatneſs of the Portion be the moſt relieved, is with Spain, *if ſuch a Match may be made with ſuch conditions of Religion, as other Catholick Princes will contract themſelves withall.* 2 Caroli.

Thus much I thought fit humbly to preſent unto your Highneſs; for that I ſee my employment liable to the cenſure of many worthy Perſons, with whom, though I concur in my Opinion, yet I ſeem much to differ from them many ways; for that it is more proper to me to be true to my Maſter's ends and ſervices, than by the declaring this, to procure their ſatisfaction: Onely to your Highneſs I thought fit to make this declaration, and ſhall be a ſuitor to you for your favour, as you ſhall ſee me really labour to put this in effect. And if his Majeſty ſhall, either upon motion of Parliament, or any other Propoſition that can be made unto him, think fit to proceed with a Proteſtant Match, as I ſhall wiſh as well unto it as any man living, ſo, I hope, in ſuch ſort to manage the preſent buſineſs that I have in hand, that it ſhall rather much further, than any way croſs or hinder it. But in caſe his Majeſty ſhall not be drawn to any Propoſition for a Proteſtant Match, I then conceived, that your Highneſs both doth, and will approve, that I really and effectually labour to procure a Match for your Highneſs in Spain, *upon ſuch Conditions, in point of Religion and Portion, as to his Majeſty ſhall ſeem fit.*

OF THE BOMBAY BRANCH OF THE

He conſtantly profeſſed the Proteſtant Religion.

Beſides which Declaration of his Opinion, he hath all the days of his life, and in all places, lived and allowed himſelf to be a Proteſtant, never having done any the leaſt act that was not ſuitable to that Profeſſion: And in all his former Imployments for the ſpace of fourteen years, of more than five hundred perſons of all qualities that attended on him, there was never one perverted in his Religion, ſaving two Iriſh Footmen, who, in *Ireland* had been bred Papiſts. And he humbly deſired the teſtimony of Doctor *Maſon* and Doctor *Wren*, his Majeſty's Chaplains, who were with his Majeſty in *Spain*, and of Mr. *Sampford*, one of the Prebends of *Canterbury*, Mr. *Boſwell*, Parſon of St. *Lawrence* in *London*, and Mr. *Frewen* Divinity-Reader in *Magdalen-Colledge* in *Oxford*, and now one of his Majeſty's Chaplains, who were his Majeſty's Chaplains in *Spain*; as well for the frequent uſe of the Sacrament, as conſtant profeſſion and exerciſes of Religion, and the teſtimony of ſuch Catholicks as are known to have been his antient Acquaintance and Friends, to examine them upon Oath, Whether publickly or privately, in *Spain* or in *England*, they had known him in any kind to make ſhew, or ſo much as to forbear, upon all occaſions to declare the Religion he profeſſeth. And that the ſaid Mr. *Frewen* and Mr. *Wake* may be alſo examined, Whether in extremity of ſeveral ſickneſſes, whereinto he hath of late years fallen, he hath not ever ſetled his Conſcience with them towards God, and made a Confeſſion of his Faith, reſolving as befitting a Proteſtant or good Chriſtian.

VIII. To the eighth Article the Earl ſaith, That he did not at any time, or in any place, endeavor to perſwade the Prince touching his Religion, to become a *Roman Catholick*, and to be obedient to the uſurped Authority of *Rome*; neither did the ſaid Earl, to that end and purpoſe, or otherwiſe, uſe unto his Majeſty, then Prince, the words in the Article mention'd. But the ſaid Earl acknowledgeth, That upon occaſion of a Letter that came to his Majeſty, then Prince, putting his Majeſty in mind of the great

An. 1626. actions of his Royal Progenitors in the Holy War, that the great Kings of thoſe times did not only imploy their Forces, but in their Perſons went into the Holy Land; the Earl believeth that by way of diſcourſe only, and not otherwiſe, he may have ſaid, That in regard of the difference in Religion, it was of more difficulty to undertake ſuch great actions now, than in former Ages; and it might well be inſtanced in the preſent Treaty of the Marriage, wherein the Pope's conſent was to be obtained. And to this effect, and upon the like grounds, he is confident there were very A many that have, nay, few of nearneſs about his late Majeſty, that have not often heard his Majeſty ſay, That he was the true Martyr, that ſuffered more for his Religion than all the Princes of Chriſtendom beſides; inſtancing in divers particulars, but eſpecially in this, That he could not Match his Children with Kings of his own rank, without the Pope's leave.

But the Earl ſaith, He never alledged any ſuch thing to any other purpoſe, than to ſhew, that only Conſcience, and love to Truth, (in B which regard, Proteſtants ſuffered much) not any Temporal reſpects, made men conſtant and zealous to the profeſſion of our Religion. By which diſcourſe he ever attributed much to the honor and ſecurity of Proteſtant Religion; but never uſed it as an Argument to perſwade to the contrary, as in the accuſation is inſinuated.

Beſides, he conceiveth, by way of Anſwer thereunto, the ſaid Queſtion may be asked, which his Majeſty was pleaſed to ask of the Earl in the Seventh Article, *viz. What the ſaid Earl ſaw in his Majeſty, that he ſhould think him ſo unworthy, as to change his Religion for a Wife, or any earthly reſpect whatſoever?* So, Why ſhould it be thought, that being more fit to C undertake great Actions in the World (being a meer Moral and Temporal reſpect) ſhould be an Argument to perſwade in Conſcience ſo Religious and wiſe a Prince, and ſo well inſtructed as his Majeſty is, as though the Soul of a Chriſtian Prince was to be wrought upon, in point of Truth and Belief, by temporal and worldly reſpects of Conveniencies and Greatneſs? It were neceſſary for the proving, that the ſaid Earl perſwaded his Majeſty touching Religion, to produce ſome Arguments that he D uſed out of Scripture, to ſatisfie him in point of Conſcience in ſome Tenets of the Roman Church, or that he produced any Conference with Learned Men for his ſatisfaction in point of Religion: Otherwiſe the Articles uſed in this againſt the ſaid Earl, do (as he conceiveth) carry little ſtrength to prove the Charge of perſwading his Majeſty, either in regard of it ſelf, or in regard of his Majeſty's piety.

IX. To the Ninth Article the ſaid Earl ſaith, that there was a diſ- E courſe in *Spain* of the way of accommodating the Prince Palatine his affairs; and by way of diſcourſe it was moved, That the Marriage of his eldeſt Son with a Daughter of the Emperor, and his Son to be bred in the Emperor's Court, would be the faireſt way for the pacifying of, and accommodating thoſe buſineſſes. And the Earl, by way of diſcourſe, and not otherwiſe, did ſay, That he thought his late Majeſty could not be adverſe, either to the ſaid match, or to the breeding of the Prince *Palatine* his Son with the Emperor; ſo as thereby the whole Patrimonial Eſtate of F the Prince Palatine, and the Dignity Electoral might be fully reſtor'd, and that his Son might be bred in his own Religion, and have ſuch Preceptors, and ſuch a Family, as his late *Majeſty* and his Father, meaning the Prince *Palatine*, ſhould appoint: and they to have free exerciſe of

Religion:

Religion: For ſo his late Majeſty hath often declared himſelf to the ſaid Earl, and wiſhed him to lay hold on any occaſion for the entertaining of any ſuch Propoſition. And otherwiſe than ſo, and upon the terms aforeſaid, and by that way of conference and diſcourſe only, he delivered not any opinion to his Majeſty at his Majeſty's being in *Spain*: For the ſaid Earl is very confident, that his Majeſty was returned out of *Spain* before any propoſition was made for the ſaid Marriage, other than by way of
A diſcourſe, as aforeſaid; the ſame, as the ſaid Earl believeth, being firſt moved and debated on by way of Propoſition between Mr. Secretary *Calvert*, and the Ambaſſador of the King of *Spain*, *Octob.* 2. 1623. his late Majeſty, upon a relation made unto him by a Letter of Mr. Secretary *Calvert*, approved of the ſaid Propoſition, and declared the ſame to be the onely way, as he conceived, to accommodate with honor thoſe great buſineſſes: And wrote to that purpoſe to his Son in Law the Prince Palatine, by his Letters dated 9 *Novemb.* 1623. a Copy of which he, toge-
B ther with Mr. Secretary *Calvert's* Relation, and the Lord *Conway*, by his late Majeſty's commandment, ſent unto the ſaid Earl; the Tenor of which, tranſlated out of French, is as followeth. 2 *Caroli.*

King *James* propoſeth a Match to the Prince Palatine, between his eldeſt Son and the Emperors Daughter.

WE have thought good, that we may provide beſt and moſt ſoundly for your affairs, not only to procure, but alſo to aſſure your peace, were to
C *cut up by the very roots that evil, which hath been ſetled in the heart of the Emperor, by the great diſpleaſure and enmity he hath conceived againſt you. For the removing and quite extinguiſhing of which, it ſeemeth to us no better or more powerful means can be uſed, than a good Alliance, which may be propoſed by us between your eldeſt Son, and the Daughter of the ſaid Emperor, upon the aſſurance we have, we ſhall not be refuſed in this nature, if you on your part will give your conſent. And for the more ſurety of the good ſucceſs thereof, we are determined, before any ſuch Propoſition be made to the Emperor, to intereſs the King of* Spain *with us in the buſineſs, who, we truſt, will lend us his help-*
D *ing hand, as well for the effecting of it, and bringing it to a good concluſion, as in procuring likewiſe, that the Condition be duly obſerved. Amongſt which Conditions, if it happen that the Emperor ſhould demand, that your Son, during his minority, ſhould be brought up in his Court, we ſhall tell you, that we, for our own part, ſee no reaſon why you ſhould ſtick at it, upon ſuch Conditions as he might be tied unto, to wit, That the young Prince ſhould have with him ſuch Governor, as you ſhall pleaſe to appoint him, although he be no Roman Catholick; and that neither he, nor any of his, ſhould be any*
E *way forced in matter of their Conſcience. And our meaning is, ſo to order our proceeding in this Treaty, that before your ſaid Son be put into the hands of the Emperor, we will have a clear and certain aſſurance of an honorable, entire, and punctual reſtitution of all whatſoever belonging to you: As alſo we will take care to provide accordingly, as fully and exactly for the Aſſurances requiſite for the Liberty of Conſcience, for him and his Domeſticks, as they have done here with us touching thoſe that have been granted them for the* Infanta. *And therefore ſeeing there is no inconvenience at all, that may cauſe*
F *your averſneſs or backwardneſs in this buſineſs, which we, for our parts, think to be the beſt, ſhorteſt, and moſt honorable way that you can take, for the compaſſing of the entire Reſtitution, and making your Peace ſure with the Emperor, we hope your opinion will concur with us therein, and ſhall intreat you, by the firſt, to ſend us your Anſwer.*

An. 1626.

By which Letters, after his Majeſty's coming out of *Spain*, it appeareth to your Lordſhips, that there was no propoſition of the Marriage betwixt the Son of the Prince Palatine and the Emperor's Daughter, when that Letter was written; for therein his Majeſty ſaith, he was determined to intereſs the King of *Spain* in the buſineſs, before any ſuch propoſition ſhould be made to the Emperor. And it will alſo thereby appear, that his late Majeſty's opinion was of the conveniency thereof; which the ſaid Earl hopeth will acquit him, if by way of diſcourſe only he declared what his Majeſty's inclination was, which, with honeſty, he could not have concealed. And the ſaid Earl ſaith, He doth not remember what Anſwer Sir *Walter Aſton* made upon that diſcourſe which he then delivered, nor what Replies the ſaid Earl made; but ſure he is, whatſoever the ſaid Earl ſaid, or what Anſwer or Reply ſoever was made, as it was by way of diſcourſe, and not otherwiſe, ſo it was according to that which he truly conceived to be the beſt and eaſieſt way to accommodate the buſineſs, and to be his Majeſty's pleaſure, (which the ſaid Sir *Walter Aſton* may be ignorant of, (as he is confident that he was) and not out of any diſaffection to our Religion, or for any ſiniſter reſpect or regard to the Houſe of *Auſtria*, as by the ſaid Article is intimated: For he did conceive the breeding of the Prince Palatines Son with the Emperor, having a Governour appointed by his late Majeſty and his Father, and he and his Domeſticks to have free uſe of their own Religion, to be a matter of impoſſibility, or ſuch dangerous conſequence in point of Religion, as to imply his Converſion, as by the Article is intimated; well knowing, that in the Emperor's Court, all Princes there, though his Priſoners, and others his Counſellors and Servants about his Perſon, and of great Command in his Armies, being avowed Proteſtants, have the free uſe of their Religion: And it is not to be ſuppoſed the Son of the Prince *Palatine*, Grandchild to the King of *Great Britain*, ſhould be matched, and no care taken to capitulate for the uſe of his Religion, being ever granted to the meaneſt Prince that is beſtowed. And his Majeſty's ſpecial care in this point is fully ſeen in the ſaid Letter.

X. To the Tenth Article he ſaith, That by comparing of this Article of his too much forwardneſs, with the Second Article, whereby he is charged with continuing the Treaty upon generalities, without reducing them to Certainties and direct Concluſions, your Lordſhips will perceive how impoſſible it was for him to avoid an Exception. But for direct Anſwer to the preſent Charge, he ſaith, That he did not preſumptuouſly, nor yet to his knowledge, break his Inſtructions, nor ſet any day at all for the Deſponſories; but was therein meerly *paſſive*, in admitting the day nominated by the King of *Spain*, according to the Capitulation before made: Nor did he preſumptuouſly, wilfully, or willingly diſobey any Commandment or Direction of his Majeſty that now is, then Prince, which he could underſtand not to be countermanded, either by preſent or future Inſtructions otherwiſe explained.

And for the better manifeſtation of the truth of his proceedings in, and concerning the ſame, he ſaith, That on the day of the departure of his Majeſty, then Prince, from the *Eſcurial* in *Spain*, his Highneſs delivered unto him, in preſence of the Commiſſioners, his Proxies powers, with publick Declaration taken in writing by the Secretary to the King of *Spain*, of the Prince his pleaſure, and how the ſaid Earl ſhould uſe them, *viz.* That he ſhould deliver them to the King of *Spain*, upon the coming of the

the Diſpenſation cleared from *Rome*, according to that which hath been agreed, which was to be within ten days after the coming of the Diſpenſation. And he further ſaith, That it is true, that the Prince afterwards by his Letters ſent by one Mr. *Clark*, commanded him the ſaid Earl not to deliver the ſaid Proxies, till he ſhould have received ſecurity, that the *Infanta*, after her being betrothed, ſhould not enter into any Religious Order, and that before he proceeded, he ſhould ſend to his Majeſty, then Prince, ſuch ſecurities as ſhould be offered, that he might judge whether it were ſufficient or not. 2 *Caroli*.

Whereupon the ſaid Earl, as became a faithful Servant, preſented unto his Majeſty that now is, then Prince, ſuch aſſurances as were offered unto him, for ſecuring of that point, together with ſuch Reaſons as he conceived were fit to be offered to their conſiderations; which gave unto his late Majeſty, and his Majeſty that now is, then Prince, ſuch ſatisfaction, as they were pleaſed to diſpatch a Poſt preſently unto him, abſolutely diſcharging him of that commandment, as by their ſeveral Letters, dated *October* 8. 1623. will appear, as followeth,

We have received your Letters by Griſley, *and the Copy of them to our dear Son; and we cannot forbear to let you know, how well we eſteem that dutiful, diſcreet, and judicial Relation, and humble advice to our Son: Whereupon, having fully deliberated with our ſelf, and communicated with our dear Son, we have reſolved, with the good liking of our Son, to reſt upon that ſecurity, in point of doubt, for the* Infanta's *taking a Religious Order, which you, in your judgment, ſhall think meet.*

And by that other Letter of his Majeſty that now is, then Prince, as followeth; *viz.*

Your Letter to the King and me, concerning that doubt I made after I came from St. Laurence, *hath ſo ſatisfied us both, that we think it fit no longer to ſtick upon it, but leave it to your diſcretion to take what ſecurity you ſhall think fitting.*

Whereby he was abſolutely freed of that command; and being ſo freed thereof, he then remained under the Order which his Majeſty, then Prince, had left with him at his departure, which was, to proceed according to the Capitulations, and his Highneſs Declaration, when he delivered the ſaid Proxies unto him: And ſo he intended to have done, till by his Highneſs's Letters, *November* 13. 1623. he was directly commanded the contrary; which Commandment he directly and punctually obeyed.

The Earl's Reaſons why he was forward to conſummate the Match, till warrant came to the contrary.

And for ſuch his intentions, till he was countermanded, he conceiveth he had not only ſufficient warrant, but had highly offended if he had done otherwiſe. For firſt, for his proceedings to conſummate the Match, he had warrant and inſtruction under his late Majeſty's hand. Secondly, It was the main ſcope of his Ambaſſage. Thirdly, He was enjoyned by the King and Prince his Commiſſion, under the Great Seal. Fourthly, He had poſitive order, under his Majeſty's hand, by Letters ſince. Fifthly, It was agreed by Capitulation, that it ſhould be within ſo many days after the coming of the Diſpenſation. Sixthly, His late Majeſty, and his Majeſty that now is, then Prince, ſignified by their Letters unto him at the ſame time, when they diſcharged him of his Commandment touching

An. 1626. touching the *Infanta*'s entring into Religion, that they intended to proceed in the Marriage, as by his Majeſty's Letters, *Octob.* 8. 1623. will appear. Seventhly, the Proxies were to that end left in his hands, and after again renewed after his Majeſty's return into *England*. Eighthly, he had overthrown the Marriage without order: For although Sir *Walter Aſton* and himſelf uſed all poſſible means for the gaining of time, and deferring the Deſponſories; yet the King of *Spain* cauſed it to be proteſted, That in caſe he, the ſaid Earl, ſhould inſiſt upon the deferring of A the Deſponſories, he would free himſelf from the Treaty by the ſaid Earl's infringing of the Capitulations: And in truth, although the King of *Spain* ſhould have condeſcended to have prolonged the Deſponſories until one of the days in *Chriſtmaſs*, as by the Letter was required; yet the Prince's Proxies had been before that time expired, and he durſt not, without a preciſe Warrant, put ſuch a ſcorn upon ſo noble a Lady, whom, he then conceived, was likely to have been the Prince his Wife, as to nominate a day of Marriage when the Proxies were out of date, and he B was himſelf ſworn to the Treaty. And laſtly, he could not in honour and honeſty, but endeavour to perform that publick Truſt repoſed in him, when the Proxies were depoſited in his hands, with publick and legal Declaration, with an Inſtrument by a Secretary of State to the King of *Spain*, leading and directing the uſe of them, and the ſame being then *Inſtrumentum ſtipulatum*, wherein as well the King of *Spain* was intereſſed by the acceptation of the ſubſtitution, as the Prince by granting of the Proxies, he could not in honeſty fail the publick Truſt, with- C out clear and undoubted Warrant; which as ſoon he had, he obeyed. So as the Caſe ſtanding thus, the ſaid Earl is very confident, that the ſuppoſed Countermands, Directions, and Reſtrictions, when they ſhould be peruſed and conſidered of, will appear to have been very ſlender and inſufficient Warrant againſt the aforeſaid Orders and Reaſons before ſpecified: And is alſo as confident, That what is aſſured out of his, the ſaid Earl's Diſpatches, will alſo appear to be miſunderſtood; and that if he had proceeded to the execution of the Deſponſories, before he re- D ceived direct and expreſs commandment to the contrary by the aforeſaid Letters, *Novemb.* 13. 1623. which he readily and punctually obeyed, he had not, under favour, broken his Inſtructions, or deſerved any blame for lack of aſſurance of the reſtitution of the *Palatinate*, and Temporal Articles.

And firſt, of the *Palatinate*, his ſaid Majeſty did not ſend to the ſaid Earl expreſs Directions not to diſpatch the Deſponſories, until a full concluſion were had of the other Treaty of the *Palatinate*, together with E that of the Marriage, as by the ſaid Article is alledged; only his late Majeſty, by the aforeſaid Letters of *October* 8. required the ſaid Earl ſo to endeavour, that his Majeſty might have the joy of both at *Chriſtmaſs*. Whereas his Inſtructions of *May* 14. 1621. were expreſs, that he ſhould not make the buſineſs of the *Palatinate* a condition of the Marriage. And his late Majeſty's Letters of *December* 30, 1623. were fully to the ſame effect. Yet did the ſaid Earl, according to what was intimated by the ſaid Letters of *October* 8. ſo carefully provide therein, as F that before the Proxies were to be executed, he had an abſolute Anſwer in the buſineſs of the *Palatinate*, the ſame ſhould be really reſtor'd according to his late Majeſty's deſire; and the *Conde Olivares*, both in his Majeſty's name, and in his own, deſired the ſaid Earl and Sir *Walter Aſton*, that they would aſſure his *Majeſty* of the real performance of the ſame, and

The Reſtitution of the *Palatinate* promiſed by the King of *Spain* and *Olivares*.

2 Caroli.

and intreated; if need were, they ſhould engage their honour and life for it, as by their joynt Diſpatches of *November* 23 1623. will appear; and ſo much the ſaid Sir *Walter Aſton*, and the ſaid Earl, agreed ſhould be delivered to them in writing, before they would have delivered their Proxies, and ſo the ſaid Earl declared it; the which Anſwer in writing ſhould have been the ſame, which ſince was given them of *January* 8 1623. And both Sir *Walter Aſton* and the ſaid Earl were confident therein, as they, by their ſaid Letters of *November* 23. wrote to his late Majeſty, as followeth; *viz.*

A

That his Majeſty might, according to his deſire, ſignified to the ſaid Earl, by his Letters of October 8. *give, as well to his Majeſty's Daughter that* Chriſtmas, *the comfortable news of the expiring of her great troubles and ſufferings, as to his Son the Prince the Congratulation of being married to a moſt worthy and excellent Princeſs.*

B

By which it will evidently appear, he meant not to leave the buſineſs of the *Palatinate* looſe, when he intended to proceed to the Marriage; but he confeſſed, that he was ever of opinion, that the beſt pawn and aſſurance his late Majeſty could have of the real proceeding of the *Palatinate*, was, That they proceeded really to the effecting of the Match; and of the ſame opinion was his late Majeſty alſo, and the Lords Commiſſioners here in *England*, as appeareth by his Inſtructions, dated *March* 14. 1621. which opinion ſtill continued in them, as appeareth by his late Majeſty's Letters of *January* 7. 1622. And as for the Temporal Articles, the ſaid Earl ſaith, When the Deſponſories were formerly appointed to have been, as he remembreth on *Fryday*, *Auguſt* 29. before the departure of his Majeſty, then Prince, out of *Spain*, which was onely hindred by the not coming of the Diſpenſation, the Prince appointed him and Sir *Walter Aſton* to meet with the Spaniſh Commiſſioners, and they drew up the Heads of the Temporal Articles, wherewith the Prince and the Duke of *Buckingham* were acquainted; and in caſe the Diſpenſation had come, and the Deſponſories been performed on that day, there had been no other Proviſion made for them before the Marriage; but preſently, upon the Prince his departure, he, the ſaid Earl, cauſed them to be drawn into form, and ſent them to his late Majeſty, *September* 27. 1623. deſiring to underſtand his Majeſty's pleaſure with all ſpeed, eſpecially if he diſapproved any thing in them; but never received notice of any diſlike thereof, until the aforeſaid Letters of *November* 13. 1623. which put off the Deſponſories. So as it appeareth, the ſaid Earl was ſo far from breaking his Inſtructions, or from having any Intention to have proceeded to the execution of the Deſponſories, before his Majeſty and the Prince were ſatisfied of this point of the *Infanta* entring into Religion, or before convenient aſſurance, as well for the reſtitution of the *Palatinate*, as performance of the Temporal Articles, that he deſerveth, as he conceiveth under favour, no blame, ſo much as in intention; but if he had erred in intention only (as he did not) the ſame being never reduced into Act, the fault (as he conceiveth) was removed by his obedience before the intention was put into execution: for ſo it is in Caſes towards God. And as to the matter of Aggravation againſt him, that he appointed ſo ſhort a time for the Deſponſories, as that without extraordinary diligence the Prince had been bound, he thereto ſaith, as he ſaid before, that he ſet no day at all thereunto, nor could defer it after the Diſpenſation came

C

D

E

F

An. 1626. came from *Rome*, without a direct breach of the Match ſo long laboured in, and ſo much deſired; yet he and Sir *Walter Aſton* having uſed all poſſible induſtry to diſcover how the motion of deferring the Match would be taken; and finding an abſolute reſolution in the King of *Spain* to proceed punctually, and to require the Proxies according to the Capitulation, within ten days after the coming of the Diſpenſation; and that time alſo getting advertiſement from *Rome*, that the Diſpenſation was granted, and would preſently be there; he, the ſaid Earl, to the end, in A
ſo great a Cauſe, he might have a clear and undoubted underſtanding of his late Majeſty's pleaſures, ſent a Diſpatch of *November* 1. with all diligence unto his Majeſty, letting his Majeſty know, that it could not be poſſible for him to protract the Marriage above four days, unleſs he ſhould hazard the breaking, for which he had no warrant.

But that this was no new reſolution, nor the King ſo ſtraitned in time, as by the ſaid Article is pretended, will appear by the ſaid Earl's diſpatch of *September* 28. 1623. In which, upon Scruple that was then B
made of the *Infanta*'s entring into Religion, he wrote to the ſame effect; *viz. That if the Diſpenſation ſhould come, he knew no means how to detain the Proxies above twenty or twenty four days.* So that although difficulty happened until the midſt of *November*, 1623. yet it was foreſeen, that it muſt of neceſſity happen whenſoever the Diſpenſation ſhould come; and then was warning of two moneths given thereof; *viz.* from *September* 24. until *November* 29. which was the time appointed for the Deſponſories. C

So as he moſt humbly ſubmits himſelf unto your Lordſhips, which of the two ways was the ſafer or dutifuller for him to take; whether upon inferences and conjectures, to have overthrown ſo great a buſineſs; or, on the other ſide, firſt, to have preſented unto his Majeſty the truth and ſincerity as he did, the true eſtate of his affairs, with his humble opinion therein, with an intimation, that if his Majeſty ſhould reſolve to break the Match, that for the ſaid Earl his honeſt diſcharge of the publick Truſt repoſed in him, when the Proxies were depoſited in his hands, D
and for his ſufficient warrant in ſo great a Cauſe, his Majeſty would be graciouſly pleaſed to give him clear and expreſs order (which he had not) and in the interim, whilſt his Majeſty might take into conſideration the great inconveniencies that might enſue, the ſaid inconveniencies might be ſuſpended, and the buſineſs kept upon fair terms, that his Majeſty might have his way and choice clear and unſoiled before him.

And as to the evil Conſequences which are pretended would have E
followed, if the ſaid Earl had proceeded to the conſummation of the Match, before he had expreſs order and warrant to the contrary; he ſuppoſeth his Majeſty ſhould ſpeedily have ſeen the Marriage, which he ſo long ſought to have effected; that the Prince ſhould have had a worthy Lady whom he loved; that the Portion was much greater than ever was given in Money in *Chriſtendom*; that the King of *Spain* had engaged himſelf for reſtitution of the *Palatinate*; for which, the ſaid Earl conceived
The Advantages of the *Spaniſh* Match to *England*. a Daughter of *Spain*, and Two Millions, had been no ill Pawn; beſides F
many other additions of advantage to the Crown of *England*: Whereas on the contrary ſide, he foreſaw, that the Prince would be kept a year longer unmarried, a thing that ſo highly concerneth theſe Kingdoms; he doubteth, that the recovery of the *Palatinate* from the Emperor and Duke of *Bavaria* by force would prove a great difficulty

2 Caroli.

difficulty, and that Chriſtendome was like to fall into a general Combuſtion: So that deſiring that his Majeſty ſhould have obtained his ends, and have had the honour and happineſs, not only to have given peace, plenty, and increaſe unto his own Subjects and Crowns, but to have propounded the greateſt differences that had been theſe many years in Chriſtendom: And by his Piety and Wiſdom, to have prevented the ſhedding of ſo much Chriſtian Blood, as he feared, would enſue, if theſe buſineſſes were diſordered. Theſe Reaſons, he confeſſed, and the zeal unto his Majeſty's ſervice, made him ſo earneſtly deſire the effecting of this buſineſs, and cannot but think himſelf an unfortunate Man (His Majeſty's affairs being ſo near ſetling to his Majeſty's content, as he conceived they were, and hoping to have been to his Majeſty, not only a faithful Servant, but a ſucceſsful Servant) to ſee the whole eſtate of his affairs turned up-ſide down, without any the leaſt fault of his; and yet he the onely Miniſter on the Engliſh and Spaniſh ſide that remained under diſgrace.

XI. To the Eleventh Article, the ſaid Earl ſaith, That the Article is grounded upon a Petition by him preferred to this Honourable Houſe, ſuppoſed to be ſcandalous; which your Lordſhip's (as he conceiveth) according to the Cuſtoms and Priviledges of the Houſe of Peers, would have been pleaſed firſt to have adjudged ſo to have been, either for matter appearing in it ſelf, or upon hearing the ſaid Earl; for if the matter appearing in the Petition it ſelf, be not to be excepted unto, it cannot, as he conceiveth, by collateral accidents, be taken for a Scandal, till it be examined and found falſe. For a plain and direct Anſwer thereunto, he ſaith, That the ſaid Petition is ſuch, as will not warrant any ſuch inference, as by the ſaid Article is inforced. And that he hopeth to juſtifie the Contents of the ſaid Petition in ſuch ſort, as ſhall not diſpleaſe his Majeſty, nor deſerve that expreſſion which is uſed in the Charge; but contrarily what he hath ſaid, or ſhall ſay therein in his defence, ſhall in all things tend to the Honour and Service of his Majeſty, by reducing into his memory divers Circumſtances, and laying before him the paſſages of divers particulars, which by undue practices have been either concealed from his Majeſty, or mis-related to him.

"Having thus offered to this High and Honourable Court, ſuch "Proofs and Reaſons, as he hopeth ſhall, in your Lordſhips wiſdom "and Juſtice clearly acquit him of any Capital Crime, or wilful Offence; "if it ſhall appear, that out of Errors of Judgment, too much fervent-"neſs of zeal to his Majeſty's ſervice, or the ignorance of the Laws of "this Realm, (wherewith he hath not been able to be ſo well acquainted "as he ought, by reaſon of Forreign Employments by the ſpace of ma-"ny years) or by any other ways or means he hath fallen into the dan-"ger in the Laws for any thing pardoned in the General Pardon, made "in the Parliament holden at *Weſtminſter*, *Anno Viceſimo Primo Regni*, "*Imp. Jacobi Angliæ*, &c. of bleſſed memory, he humbly prayeth al-"lowance of the Pardons, and the benefit thereof (with this Clauſe, "That he doth and will aver, that he is none of the perſons excepted "out of the ſame) although he is very confident, he ſhall not need the "help of any Pardon, having received many ſignifications, as well from "his Majeſty's own Mouth, that he had never offended his Majeſty, as

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"lately, by ſeveral Letters of the Lord *Conway*, that he might reſt in "the ſecurity he was in, and ſit ſtill, and ſhould be no further queſtion- "ed. But the hopes your Lordſhips will not onely find him ſo far from "blame, but that he hath ſerved his late Majeſty of bleſſed memory, and "his moſt gracious Son, the King's Majeſty that now is, with that fidelity, "care, and induſtry, that your Lordſhips will take courſe, as you, in "your wiſdoms, ſhall think fit, not onely for upholding the Honour "and Reputation of a Peer in this Realm, after ſo many Employments, A "but likewiſe become humble and earneſt Suitors to his Majeſty on his "behalf (which he humbly prayeth) that he may be reſtored to his Ma- "jeſty's good favour, which, above all worldly things, he moſt deſi- "reth.

The Eighth of *May*, the Commons brought up their Charge againſt the Duke, which was delivered at a Conference of both Houſes, and ſpun out two days time. It was managed by Eight Members, and Sixteen B more as Aſſiſtants. The Eight chief Managers were, Sir *Dudly Diggs*, Mr. *Herbert*, Mr. *Selden*, Mr. *Glanvile*, Mr. *Pym*, Mr. *Sherland*, Mr. *Wandesford*, and Sir *John Elliot*.

Sir *Dudly Diggs*, by way of Prologue, made this Speech,

My Lords,

C "THere are ſo many things of great importance to be ſaid in very "little time to day, that I conceive it will not be unacceptable to "your Lordſhips, if (ſetting by all Rhetorical Affectations) I only in "plain Countrey Language, humbly pray your Lordſhips favour to in- "clude many excuſes neceſſary to my manifold infirmities in this one "word, I am *commanded* by the Knights, Citizens, and Burgeſſes of the "Commons Houſe, to preſent to your Lordſhips their moſt affectionate "Thanks for your ready condeſcending to this Conference; Which, out D "of confidence in your great Wiſdoms, and approved Juſtice, for the "ſervice of his Majeſty, and the welfare of this Realm, they deſired upon "this occaſion.

"The Houſe of Commons, by a fatal and univerſal concurrence of "Complaints, from all the Sea-bordering parts of this Kingdom, did "find a great and grievous interruption, and ſtop of Trade and Traffick: "The baſe Pirats of *Sally* ignominiouſly infeſting our Coaſts, taking our "Ships and Goods, and leading away the Subjects of this Kingdom into E "barbarous Captivity; while, to our ſhame and hinderance of Commerce, "our Enemies did (as it were) beſiege our Ports, and block up our beſt "Rivers mouths. Our Friends, on ſlight pretences, made Imbargoes of "our Merchants Goods, and every Nation (upon the leaſt occaſion) was "ready to contemn and ſlight us. So great was the apparent diminution "of the antient Honour of this Crown, and one ſtrong Reputation of "our Nation. Wherewith the Commons were more troubled, calling to F "remembrance, how formerly, in *France*, in *Spain*, in *Holland*, and every "where by Sea and Land, the Valours of this Kingdom had been better "valued, and even in latter times, within remembrance, when we had "no Alliance with *France*, none in *Denmark*, none in *Germany*, no Friend "in *Italy*; *Scotland* (to ſay no more) ununited, *Ireland* not ſetled in peace, "and much leſs ſecurity at home; when *Spain* was as ambitious as it is

"now,

2 *Caroli.*

"now under a King (*Philip* the Second) they called their Wiſeſt: the "Houſe of *Auſtria* as great and potent, and both ſtrengthened with a ma- "litious League in *France*, of perſons ill-affected, when the Low Coun- "treys had no being: yet, by conſtant Counſels, and old Engliſh ways, "even then, that Spaniſh pride was cooled, that Greatneſs of the Houſe "of *Auſtria*, ſo formidable to us now, was well reſiſted; and to the U- A "nited Provinces of the Low-Countreys, ſuch a beginning, growth, and "ſtrength was given, as gave us Honour over all the Chriſtian World. "The Commons therefore wondring at the Evils which they ſuffered, "debating of the Cauſes of them, found there were many drawn like one "Line to one Circumference, of decay of Trade, and ſtrength of Honour "and Reputation in this Kingdom; which, as in one Centre, met in one "Great Man, the Cauſe of all, whom I am here to name, the Duke of B "*Buckingham.*

Here Sir *Dudly Diggs* made a little ſtop, and afterwards read the Preamble to the Charge, *viz.*

C

The Commons Declaration and Impeachment againſt the Duke of *Buckingham.*

D

FOr the ſpeedy redreſs of great Evils and Miſchiefs, and of the chief cauſe of theſe Evils and Miſchiefs which this Kingdom of England *now grievouſly ſuffereth, and of late years hath ſuffered; and to the honour and ſafety of our Sovereign Lord the King, and of his Crown and Dignity; and to the good and welfare of his People, The Commons in this preſent Parliament, by the Authority of our ſaid Sovereign Lord the King, aſſembled, Do, by this their Bill, ſhew and declare againſt* George, *Duke, Marquis, and Earl of* Buckingham, *Earl of* Coventry, *Viſcount* Villers, *Baron of* Whaddon, *Great Admiral of the Kingdoms of* England *and* Ireland, *and of the Principality of* Wales, *and of the Dominions and Iſlands of the ſame, of the Town of* Calais, *and of the Marches of the ſame, and of* Normandy, Gaſcoign, *and* Guienne, *General, Governour of the Seas and Ships of the ſaid Kingdom, Lieutenant-General Admiral, Captain-General and Governour of his Majeſty's Royal Fleet and Army lately ſet forth, Maſter of the Horſe of our Sovereign Lord the King, Lord Warden, Chancellor, and Admiral of the Cinque-Ports, and of the Members thereof, Conſtable of* Dover *Caſtle, Juſtice in Eyre of the Foreſts and Chaſes on this ſide the River* Trent, *Conſtable of the Caſtle of* Windſor, *Gentleman of his Majeſty's Bed-chamber, one of his Majeſty's moſt Honourable Privy-Council in his Realms both in* England, Scotland, *and* Ireland, *and Knight of the moſt Honourable Order of the Garter: The Miſdemeanors, Miſpriſions, Offences, Crimes, and other Matters, compriſed in the Articles following; and him the ſaid Duke do accuſe and impeach of the ſaid Miſdemeanors, Miſpriſions, Offences and Crimes.*

E

F

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My Lords,

"THis lofty Title of this mighty Man, methinks, doth raiſe my ſpirits "to ſpeak with a *Paulo majora Canamus*; and let it not diſpleaſe "your Lordſhips, if, for Foundation, I compare the beautiful ſtructure, A "and fair compoſition of this Monarchy wherein we live, to the "great Work of God, the World it ſelf: In which, the ſolid Body "of incorporated Earth and Sea, as I conceive, in regard of our Hus "bandry, Manufactures, and Commerce by Land and Sea, may well "reſemble us the Commons. And, as it is encompaſſed with the Air, and "Fire, and Spheres Celeſtial, of Planets, and a Firmament of Fixed "Stars; all which receive their Heat, Light, and Life from one great, glo- "rious Sun, even like the King our Sovereign. So that Firmament of "Fixed Stars, I take to be your Lordſhips; thoſe Planets, the great Officers B "of the Kingdom; that pure Element of Fire, the moſt Religious, Zea- "lous, and Pious Clergy; and the Reverend Judges, Magiſtrates, and "Miniſters of Law and Juſtice, the Air wherein we breathe: All which "encompaſs round with cheriſhing comfort, this Body of the Commons, "who truly labour for them all; and though they be the Footſtool, "and the loweſt, yet may well be ſaid to be the ſetled Centre of the "State.

"Now (my good Lords) if that glorious Sun, by his powerful C "Beams of Grace and Favour, ſhall draw from the Bowels of this Earth "an Exhalation that ſhall take Fire, and burn and ſhine out like a Star, it "needs not to be marvelled at, if the poor Commons gaze and wonder at "the Comet, and when they feel the effects, impute all to the incorrup- "tible matter of it; but if any ſuch imperfect mixture appear, like that "in the laſt Age in the Chair of *Caſſiopeia*, among the Fixed Stars them- "ſelves, where *Ariſtotle* and the old Philoſophers conceived there was no "place for ſuch Corruption, then, as the Learned Mathematicians were D "troubled to obſerve the irregular Motions, the prodigious Magnitude, "and the ominous Prognoſticks of that Meteor; ſo the Commons, when "they ſee ſuch a Blazing Star in courſe ſo exorbitant in the Affairs of "this Common-wealth, cannot look upon it, and for want of Perſpe- "ctives, commend the nearer examination to your Lordſhips, who may "behold it at a nearer diſtance. Such a prodigious Comet the Commons "takes this Duke of *Buckingham* to be; againſt whom, and his irregular "ways, there are, by learned Gentlemen, legal Articles of Charge to be E "delivered to your Lordſhips, which I am generally firſt commanded to "lay open.

"1. The Offices of this Kingdom, that are the Eyes, the Ears, and the "Hands of this Commonwealth, theſe have been ingroſſed, bought and "ſold, and many of the greateſt of them holden even in the Duke's "own hands; which ſeverally gave, in former Ages, ſufficient content to "greateſt Favourites, and were work enough for wiſeſt Counſellors; F "by means whereof, what ſtrange abuſes, what infinite neglects have fol- "lowed? The Seas have been unguarded, Trade diſturbed, Merchants "oppreſſed, their Ships, and even one of the Royal Navy, by cunning "practice, delivered over into Forreign hands; and contrary to our good

"King's

2 *Caroli.*

"King's intention, employed to the prejudice (almoſt to the ruine) of "Friends of our own Religion.

"2. Next, Honors, (thoſe moſt precious Jewels of the Crown) a "Treaſure ineſtimable, wherewith your Noble Anceſtors (my Lords) "were well rewarded, for eminent and publick Service in the Common- "wealth at home; for brave Exploits abroad, when covered all with "duſt and blood, they ſweat in ſervice for the Honour of this Crown. A "What back-ways, what by-ways, have been by this Duke found out, "is too well known to your Lordſhips. Whereas antiently it was the "honour of *England* (as among the *Romans*) the way to the Temple of "*Honour*, was through the Temple of *Vertue*. But I am commanded to "preſs this no further, than to let your Lordſhips know, one inſtance "may (perhaps) be given of ſome one Lord compelled to purchaſe Ho- "nour.

"3. As divers of the Duke's poor Kindred have been raiſed to great B "Honours, which ſome have been, and are likely to be more chargeable "and burthenſome to the Crown; ſo the Lands and Revenues, and the "Treaſuries of his Majeſty, have been intercepted and exhauſted by this "Duke and his Friends, and ſtrangely mis-employed with ſtrange confu- "ſion of the Accounts, and overthrow of the well eſtabliſhed antient "Orders of his Majeſty's Exchequer.

"4. The laſt of the Charges which are prepared, will be an Injury of- "fered to the Perſon of the late King, of bleſſed memory, who is with God, C "of which (as your Lordſhips may have heard heretofore) you ſhall a- "non have further information. Now upon this occaſion, I am com- "manded by the Commons, to take care of the Honour of the King our "Sovereign that lives, (long may he live to our Comfort, and the good "of the Chriſtian World) and alſo his bleſſed Father, who is dead; on "whom, to the grief of the Commons, and their great diſtaſte, the Lord "Duke did (they conceive) unworthily caſt ſome ill odor of his own "foul ways; whereas Servants were antiently wont to bear, as in truth D "they ought, their Maſter's faults, and not caſt their own on them un- "deſervedly. It is well known, the King (who is with God) had the "ſame power, and the ſame wiſdom, before he knew this Duke, yea, "and the ſame affections too; through which (as a good and gracious "Maſter) he advanced and raiſed ſome Stars of your Lordſhips Firma- "ment; in whoſe hands, this exorbitancy of will, this tranſcendency of "Power, ſuch placing and diſplacing of Officers, ſuch irregular running "into all by-courſes of the Planets, ſuch ſole and ſingle managing of the E "great Affairs of State, was never heard of.

"And therefore, onely to the Lord Duke, and his procurement, by "mis-informations, theſe faults complained of by the Commons, are to "be imputed.

"And for our moſt gracious Sovereign that lives, whoſe name hath "been uſed, and may perhaps now be for the Duke's juſtification, "the Commons know well, that among his Majeſty's moſt Royal Vir- F "tues, his Piety unto his Father, hath made him a pious nouriſher of his "Affections ever to the Lord Duke, on whom, out of that conſide- "ration, his Majeſty hath wrought a kind of wonder, making Fa- "vour Hereditary, but the abuſe thereof muſt be the Lord Duke's own: "And if there have been any Commands, ſuch as were, or may be pre- "tended, his mis-informations have procured them; whereas the

"Laws

An. 1626. "Laws of *England* teach us, That Kings cannot command ill or unlaw-
"ful things, when ever they ſpeak, though by their Letters Patents, or
"their Seals. If the things be evil, theſe Letters Patents are void, and
"whatſoever ill event ſucceeds, the execution of ſuch Commands muſt
"ever anſwer for them.

"Thus, my Lords, in performance of my duty, my weakneſs hath
"been troubleſome unto your Lordſhips; it is now high time, humbly
"to intreat your pardon, and give way to a learned Gentleman to begin
"a more particular Charge. A

Then were read the Firſt, Second, and Third Articles, *viz.*

The Commons Articles againſt the Duke.

His ingroſſing many Offices.

Plurality of Offices.

I. THat whereas the Great Offices, expreſſed in the ſaid Duke's Stile and Title, heretofore have been the ſingular Preferments of ſeveral Perſons, eminent in Wiſdom and Truſt, and fully able for the weighty Service, and greateſt Employments of the State, whereby the B
ſaid Offices were both carefully and ſufficiently executed by ſeveral Perſons, of ſuch Wiſdom, Truſt, and Ability: And others alſo that were employed by the Royal Progenitors of our Sovereign Lord the King in places of leſs dignity, were much encouraged with the hopes of advancement. And whereas divers of the ſaid Places ſeverally of themſelves, and neceſſarily require the whole care, induſtry, and attendance of a moſt provident, and moſt able Perſon: He the ſaid Duke, being young and unexperienced, hath, of late years, with exorbitant Ambition, and for C
his own profit and advantage, procured and ingroſſed into his own hands the ſaid ſeveral Offices, both to the danger of the State, the prejudice of that Service, which ſhould have been performed in them, and to the great diſcouragement of others; who by this his procuring and ingroſſing of the ſaid Offices are precluded from ſuch hopes, as their Vertues, Abilities, and Publick Employments might otherwiſe have given them.

His buying of Offices.

II. Whereas, by the Laws and Statutes of this Kingdom of *England*, if D
any perſon whatſoever, give or pay any ſum of Money, Fee, or Reward, directly, or indirectly, for any Office or Offices, which in any wiſe touch or concern the Adminiſtration or Execution of Juſtice, or the keeping of any of the King's Majeſty's Towns, Caſtles, or Fortreſſes, being uſed, occupied, or appointed for places of ſtrength and defence: the ſame perſon is immediately, upon the ſame Fee, Money, or Reward, given or paid, E
to be adjudged a diſabled perſon in the Law, to all intents and purpoſes, to have, occupy, or enjoy the ſaid Office or Offices, for the which he ſo giveth or payeth any ſum of Money, Fee, or Reward. He the ſaid Duke did, in or about the Month of *January*, in the Sixteenth year of the late King *James* of famous Memory, give and pay to the Right Honourable, *Charles*, then Earl of *Nottingham*, for the Office of Great Admiral of *England* and *Ireland*, and the Principality of *Wales*, and for the Office of General Governour of the Seas, and Ships of the ſaid King- F
doms, and for the Surrender of the ſaid Offices, then made to the ſaid King by the ſaid Earl of *Nottingham*, being then Great-Admiral of the ſaid Kingdoms, and Principality of *Wales*, and General-Governour of the Seas and Ships, to the intent the ſaid Duke might obtain the ſaid Offices to his own uſe, the ſum of Three thouſand pounds of lawful money of *England*;

England; and did alſo about the ſame time procure, from the ſaid King, a further reward, for the ſurrender of the ſaid Office to the ſaid Earl, of an Annuity of One thouſand pounds by the year, for, and during the life of the ſaid Earl; and by the procurement of the ſaid Duke, the ſaid late King, of famous memory, did, by his Letters Patents, dated the Seven and twentieth of *January*, in the ſaid year of his Reign, under the Great Seal of *England*, grant to the ſaid Earl the ſaid Annuity; which he, the ſaid Earl, accordingly had and enjoyed, during his life, and by reaſon of the ſaid ſum of Money, ſo as aforeſaid paid by the ſaid Duke. And of this the ſaid Duke's procurement of the ſaid Annuity, the ſaid Earl of *Nottingham* did, in the ſame month, ſurrender unto the ſaid late King, his ſaid Offices, and his Patents of them; and thereupon, and by reaſon of the premiſſes, the ſaid Offices were obtained by the Duke for his life, from the ſaid King of famous memory, by Letters Patents made to the ſaid Duke, of the ſame Offices, under the Great Seal of *England*, dated the Eight and twentieth day of *January*, in the ſaid Sixteenth year of the ſaid late King. And the ſaid Offices of Great Admiral and Governour, as aforeſaid, are Offices that highly touch and concern the Adminiſtration and Execution of Juſtice, within the proviſion of the ſaid Laws, and Statutes of this Kingdom; which, notwithſtanding, the ſaid Duke hath unlawfully, ever ſince the firſt unlawful obtaining of the ſaid Grant of the ſaid Offices, retained them in his hands, and exerciſed them againſt the Laws and Statutes aforeſaid. 2 *Caroli.*

III. The ſaid Duke did likewiſe, in or about the beginning of the Moneth of *December*, in the Two and twentieth year of the ſaid late King *James* of famous memory, give and pay to the Right Honourable, *Edward*, late Lord *Zouch*, Lord Warden of the Cinque-Ports, and of the Members thereof, and Conſtable of the Caſtle of *Dover*, for the ſaid Offices, and for the ſurrender of the ſaid Offices of Lord Warden of the Cinque-Ports, and Conſtable of the ſaid Caſtle of *Dover*, to be made to the ſaid late King of famous memory, the ſum of One thouſand pounds of lawful Money of *England*; and then alſo granted an Annuity of Five hundred pounds yearly to the ſaid Lord *Zouch*, for the life of the ſaid Lord *Zouch*; to the intent that he the ſaid Duke, might thereby obtain the ſaid Offices to his own uſe. And for, and by reaſon of the ſaid ſum of Money, ſo paid by the ſaid Duke, and of the ſaid Annuity ſo granted to the ſaid *Edward* Lord *Zouch*, he the ſaid Lord *Zouch* the Fourth day of *December*, in the year aforeſaid, did ſurrender his ſaid Office, and his Letters Patents of them to the ſaid late King: And thereupon, and by reaſon of the premiſſes, he the ſaid Duke obtained the ſaid Offices for his life, of the ſaid late King, by his Letters Patents under the Great Seal of *England*, dated the Sixth day of *December*, in the ſaid Two and twentieth year. And the ſaid Office of Lord Warden of the Cinque-Ports, and of the Members thereof, is an Office that doth highly touch and concern Adminiſtration and Execution of Juſtice; and the ſaid Office of Conſtable of the Caſtle of *Dover*, is an Office that highly concerneth the keeping and defence of the Town and Port, and of the ſaid Caſtle of *Dover*, which is, and hath been ever appointed, for a moſt eminent place of ſtrength and defence of this Kingdom; which notwithſtanding, the ſaid Duke hath unlawfully, ever ſince this firſt unlawful obtaining of the ſaid Office, retained them in his hands, and exerciſed them againſt the Laws and Statutes aforeſaid.

His buying the Cinque-Ports of the Lord *Zouch*.

Theſe

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The first Article enlarged by Mr. *Herbert*

These three Articles were discourſed upon by Mr. *Herbert*, and touching *Plurality of Offices*, he obſerved, That in that vaſt power of the Duke (a young experienced man) there is an unfortunate complication of danger and miſchief to the State, as having too much ability, if he be falſe, to do harm, and ruine the Kingdom; and if he be faithful, and never ſo induſtrious, yet divided amongſt ſo many great Places (whereof every one would employ the induſtry of an able and provident Man) there muſt needs be in him an inſufficiency of performance, or rather an impoſſibility, eſpecially conſidering his neceſſary attendance likewiſe upon his Court Places. A

The Second and Third enlarged by him.

To the Second and Third, namely, *The buying the Office of Admiralty and Cinque-Ports*, (both which he compriſed in one) he ſaid, That to ſet a price upon the Walls and Gates of the Kingdom, is a Crime which requires rather a ſpeedy remedy than an aggravation, and is againſt the expreſs Law of 5 *Edward* 6. upon this foundation, *That the buying of ſuch Places doth neceſſarily introduce corrupt and inſufficient Officers.* And in the Parliament of 12 *Edw.* 4. it is declared by the whole Aſſembly, *That they who buy thoſe Places* (theſe are the expreſs words) *bind themſelves to be Extortioners and Offenders*; as if they pretended it warrantable, or as if they did lay an Obligation upon themſelves to ſell again. And though the buying of ſuch Places be not againſt any particular Law, enjoyning a penalty for them (the breach whereof is a particular Offence) yet as far as they ſubvert the good, and welfare, and ſafety of the People, ſo far they are againſt the higheſt Law, and aſſume the nature of the higheſt Offences. B C

His neglect of guarding the Seas.

IV. Whereas the ſaid Duke, by reaſon of his ſaid Offices of Great Admiral of the Kingdoms of *England* and *Ireland*, and of the Principality of *Wales*, and of the Admiral of the Cinque-Ports, and General Governour of the Seas and Ships of the ſaid Kingdoms, and by reaſon of the truſt thereunto belonging, ought at all times, ſince the ſaid Offices obtained, to have ſafely guarded, kept, and preſerved the ſaid Seas, and the Dominion of them; and ought alſo, whenſoever they wanted either Men, Ships, Munition, or other Strength whatſoever that might conclude to the better ſafeguard of them, to have uſed, from time to time, his utmoſt endeavour for the ſupply of ſuch wants to the Right Honourable, the Lords and others of the Privy Council, and by procuring ſuch ſupply from his Sovereign, or otherwiſe: As the ſaid Duke hath, ever ſince the diſſolution of the two Treaties mentioned in the Act of Subſidies of the One and twentieth year of the late King *James* of famous memory (that is to ſay) the ſpace of two years laſt paſt, neglected the juſt performance of his ſaid Office and Duty, and broken the ſaid Truſt therewith committed unto him: and hath not, according to his ſaid Offices, during the time aforeſaid, ſafely kept the ſaid Seas: inſomuch that by reaſon of his neglect and default therein, not onely the Trade and Strength of this Kingdom of *England* have been, during the ſaid time, much decayed, but the ſame Seas alſo have been, during the ſame time, ignominiouſly infeſted by Pirats and Enemies, to the loſs both of very many Ships and Goods, and of many of the Subjects of our Sovereign Lord the King; and the Dominion of the ſaid Seas (being the antient and undoubted Patrimony of the Kings of *England*) is thereby alſo in moſt eminent danger to be utterly loſt. D E F

V. Whereas

2 *Caroli.*

His taking a Ship called St. *Peter* of *Newhaven.*

V. Whereas about *Michaelmas* laſt paſt, a Ship called the St. *Peter* of *Newhaven*, (whereof *John Mallerow* was Maſter) laden with divers Goods, Merchandiſe, Moneys, Jewels and Commodities, to the value of Forty thouſand pounds or there abouts, for the proper accompt of Monſieur *de Villieurs*, the then Governor of *Newhaven*, and other Subjects of the French King, being in perfect Amity and League with our Soveraign Lord the King, was taken at Sea by ſome of the Ships of his Majeſties late Fleet, ſet forth under the command of the ſaid Duke, as well by direction from him the ſaid Duke as great Admiral of *England*, as by the Authority of the extraordinary Commiſſion which he then had for the command of the ſaid Fleet, and was by them, together with her ſaid goods and lading brought into the Port at *Plimouth*, as a Prize among many others, upon probabilities that the ſaid Ship or Goods belonged to the Subjects of the King of *Spain*: And that divers parcels of the ſaid Goods and lading were there taken out of the ſaid Ship of St. *Peter*; (that is to ſay) ſixteen Barrels of *Cocheneal*, Eight Bags of Gold, Twenty three Bags of Silver, two Boxes of Pearl and Emeralds, a Chain of Gold, Jewels, Monies and Commodities to the value of Twenty thouſand pounds or thereabouts, and by the ſaid Duke were delivered into the private cuſtody of one *Gabriel Marſh*, ſervant to the ſaid Duke; and that the ſaid Ship with the reſidue of her goods and lading was from thence ſent up into the River of *Thames*, and there detained; whereupon there was an arreſt at *Newhaven* in the Kingdom of *France* on the ſeventh day of *Decemb* laſt, of two Engliſh Merchants Ships trading thither, as was alleadged in certain Petitions exhibited by ſome Engliſh Merchants trading into *France*, to the Lords and others of his Majeſties moſt honourable Privy-Council; after which (that is to ſay) on the 28 day of the ſaid month, his Majeſty was pleaſed to order, with the advice of his Privy-Concil, that the ſaid Ship and Goods belonging to the Subjects of the French King, ſhould be re-delivered to ſuch as ſhould re-claim them, and accordingly intimation was given unto his Majeſties Advocate in the chief Court of Admiralty by the right honourable Sir *Jo. Cook* Knight, one of his Majeſties principal Secretaries of State, for the freeing and diſcharging the ſaid Ship and Goods in the ſaid Court of Admiralty: And afterwads, that is to ſay, on the Six and Twentieth of *January* laſt, it was decreed in the ſaid Court by the Judge thereof, with the conſent of the ſaid Advocate, That the ſaid ſhip with whatſoever Goods ſo ſeized on or taken in her, (Except Three hundred *Mexico* Hides, Sixteen Sacks of Ginger, one Box of gilded Beads, Five Sacks of Ginger more mentioned in the ſaid Decree) ſhould be clearly releaſed from further detention, and delivered to the Maſter; and thereupon under Seal a Commiſſion was in that behalf duly ſent out of the ſaid Court to Sir *Allen Appſley*, Sir *John Worſtenholme* and others, for the due execution thereof: The ſaid Duke, notwithſtanding the ſaid Order, Commiſſion and Decree, detained ſtill to his own uſe the ſaid Gold, Silver, Pearls, Emeralds, Jewels, Monies and Commodities ſo taken out of the ſaid Ship as aforeſaid: And for his own ſingular avail and covetouſneſs, on the ſixth day of *February* laſt, having no Information of any new proof, without any legal proceeding, by colour of his ſaid Office, unjuſtly cauſed the ſaid Ship and Goods to be again arreſted and detained, in publick violation and contempt of the Laws and Juſtice of this Land, to the great diſturbance of Trade, and prejudice of the Merchants.

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The fourth Article enlarged by Mr. *Selden.*

These were enlarged by Mr. *Selden*, who said, That by nature of his Office the Duke as Admiral ought to have guarded the Seas: By his Patent he is made *Magnus Admirallus Angliæ, Hiberniæ, & Walliæ, Normaniæ, Aquitaniæ, Villæ Calesii & Marchiarum ejusdem, & præfectus generalis Classium Mariũ dictorum regnorum.* The seas of *England* and *Ireland* are committed to the Admiral, as a part of the Demesne and Possessions of the Crown of *England*; not as if he should thereby have Jurisdiction only, as in case of the Admirals in *France* or *Spain*. The State of *Genoa*, *Catalonia*, and other Maritine parts of *Spain*, the Sea-Town of *Almain*, *Zealand*, *Holland*, *Friezland*, *Denmark*, *Norway*, and divers other parts of the Empire, shew, That the Kings of *England*, by reason that their said Realm hath used, time out of mind, to be in peaceable possession, are Lords of the Seas of *England*, and of the Islands belonging to them. And although *Grotius* that *Hollander* wrote of purpose to destroy all Dominion in the East-Ocean; yet he speaks nothing against the Dominion of our English Seas, howsoever he hath been misapprehended; but expresly elsewhere saith, *Meta Britannicis littora sunt oris*; the utmost limits of the Demesne of the Crown of *England*, are the shores of the Neighbouring Countries; the whole Sea, or the *Territorium Maximum* that intervenes, being parcel of the possession of the Crown: the keeping and safe-guard of these committed to the Lord Admiral by the name of the *Præfectus Mariũ & Admirallus*, being but the same anciently: Before the use of the word Admiral came in, which was under *Edw.* 1. the Admiral had the Titles of *Custodes Maris.*

And this *Præfectura* or *Custodia*, or office of safe-guarding the Seas, binds him to all care and perpetual observance of whatsoever conduceth to that safe-guard, as in *Custos Sigilli*, *Custos Marchiarum*, *Custos Portium*, & *Custos Comitatuum*, agreeable to the practice of former times.

1. In certifying yearly to the King, and his Council, the many Forces both of the Kings ships, and ships of Merchants, the names of the owners, the number of Mariners, *&c.* That the King and his Council may always know his force by sea.

2. In shewing wants of ships, *&c.* for the safe-guarding of the seas, with the Estimates of the supply, that so they might be procured. In personal attendance upon the service of guarding the seas upon all occasions of weight: In 7 *H.* 4. *Nicholas Blackborne*, and *Richard Clideroue* one of the Knights of *Kent* were made Admiral for keeping the seas, upon consideration had of it in Parliament, and the other Knight being *Robert Clifford*, it was agreed in Parliament that he should have the voices of both, because the other must of necessity be absent: And they both amongst other things petitioned the Council, that if the King in his Person should come on the sea, they might have such a liberty to wait upon him, as they might make their Lieutenant during the time for the service of their places. But the Council that allowed the rest, or most of their demands, answered to that, *Le Council ne peut faire.*

Then he estimated the nature of the offence, by the consequences which follow the not guarding of the seas, *viz.* 1. The losses already shewed. 2. The prevention of Trade, which gives life to the wealth of the Kingdom. 3. The weakning of the Naval strength, the Merchants being thereby discouraged from building ships, which they cannot use. In 1 *Rich.* 2. the Commons opened the two chief and almost whole Causes of the weakning the Kingdom at that time; the neglect of Chivalry and eminent vertue not regarded nor rewarded; the decay of Trade since the Navy was grown weak,

weak, beſides all the loſs of quiet poſſeſſion of ſo large a Territory as the Seas of *England* and *Ireland*, by the free uſe of which, the ancient glory and greatneſs of the Crown of *England* hath ſo conſtantly ſubſiſted.

Then he inſtanced in *Michael de la Pool*, Lord Chancellor, who in 9 *Rich.* 2. mis-ſpent Subſidies given *pro ſalva cuſtodia Maris*; as appears in the Roll, and was adjudged in Parliament (though for other offences, becauſe ſome other Lords of the Council hath been truſted with him, and A it was not fit to impeach him *ſans les companions*) the taking it for a crime without queſtion fit to be complained of.

Secondly, in *William* Duke of *Suffolk*, who for the ſame fault, being Admiral onely in the right of *Henry* Earl of *Exeter* his Ward, was by the King extraordinarily commanded into baniſhment.

Then he brought examples of ſuch who had been put to death, and confiſcated for not ſafe-guarding Towns, and Caſtles, and Forts, which are of like nature with not ſafe-guarding the Seas, and with loſing the B poſſeſſion of the Crown.

To the Fifth he ſaid, The ſtaying of the Ship called the *Peter* of *Newhaven*, and detaining part of the Goods, was againſt the Marine Laws of *England*, againſt the Common Laws, againſt the Laws of Merchants, and conſequently the Law of Nations. The fifth Article enlarged by Mr. *Selden*.

By the Marine Laws, agreeable to the Civil Laws, ſentence given by any Subject or other againſt the King, may, upon new proof, be revoked, but not without new proof. He made, by his Patent, a Judge of all Mari- C time Cauſes, as well as Keeper of the Seas; his Juriſdiction was to be exerciſed *juxta leges noſtras Civiles & Maritimas*, and accordingly to hear all Cauſes, and generally to proceed *ex officio mero mixto & promoto ſecundum leges noſtras Civiles & Maritimas.*

Againſt the Common Laws.

All Juſtices, and all other deputed to do Law or Right, are commanded by Act of Parliament to permit the courſe of ordinary Juſtice; and although they be commanded to do the contrary, that they do execution D aright, and according to Juſtice as far as in them lies; and ſo for any Letters of commandment which may come unto them from us, or from any other, or by any other cauſe.

Againſt the Law of Nations.

Againſt what is agreed by the Leagues between us and Foreign Nations, That the Subjects of Nations in Amity with us, ſhall be well uſed, and permitted, without moleſtation, for what cauſe or occaſion ſoever, according to the Laws and Cuſtoms of the Places where they ſhall be.

E Laſtly, againſt the Laws of Merchants, which is to have *Celerem juſtitiam.*

The Conſequences of this offence are,

1. Great damage to our Engliſh Merchants, that have ſuffered by reaſon of it in Foreign Parts, as they alledge. 2. It is a diſcouragement to thoſe that are Subjects to the Marine Juriſdiction. 3. An example that may ſerve hereafter to juſtifie all abſolute Authority in the Admiral, without Law or Legal courſe, over the Ships and Goods of all Merchants whatſoever, and ſo no ſecurity to Merchants. Laſtly, He inſtanceth in the F Duke of *Suffolk*, who was adjudged in Parliament for Treaſon; and among other offences it was laid to his charge, that he took to his own uſe Goods Piratically taken, and expreſly againſt the Order determined by the Lord Protector and the whole Council, whereunto his hand had been for the reſtitution of them.

Next we read the Sixth, Seventh, and Eighth Articles, *viz.*

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VI. Whereas the honour, wealth, and ſtrength of this Realm of *England* is much encreaſed by the Traffick, chiefly of ſuch Merchants as imploy and build great warlike Ships, a conſideration that ſhould move all Counſellors of State, eſpecially the Lord Admiral, to cheriſh and maintain ſuch Merchants.

The ſaid Duke abuſing the Lords of the Parliament, in the One and twentieth year of the late King *James* of famous memory, with pretence of ſerving the State, did oppreſs the *Eaſt-India* Merchants, and extorted A from them Ten thouſand pounds, in the ſubtil and unlawful manner following.

His delivering Ships into the hands of the King of *France*.

About *February*, in the year aforeſaid, he the ſaid Duke, hearing ſome good ſucceſs that thoſe Merchants had at *Ormus*, in the parts beyond the Seas, by his Agents cunningly, in or about the month aforeſaid, in the year of the ſaid late King, endeavoured to draw from them ſome great ſum of money; which their poverty, and no gain by that ſucceſs at *Ormus*, made thoſe Merchants abſolutely to deny: Whereupon he the ſaid Duke per- B ceiving, that the ſaid Merchants were then ſetting forth, in the courſe of their Trade, four Ships, and two Pinnaces, laden with Goods and Merchandiſe of very great value, like to loſe their Voyage if they ſhould not ſpeedily depart. The ſaid Duke, on the firſt of *March* then following, in the ſaid year of the ſaid late King, did move the Lords then aſſembled in the ſaid Parliament, whether he ſhould make ſtay of any Ships which were then in the Ports, (as being High Admiral he might) and namely, thoſe Ships prepared for the *Eaſt-India* Voyage, which were of great bur- C then, and well furniſhed: which motion being approved by their Lordſhips, the Duke did ſtay thoſe Ships accordingly: But the fifth of *March* following, when the Deputy of that Company, with other of thoſe Merchants, did make ſuit to the ſaid Duke for the releaſe of thoſe Ships and Pinnaces; he the ſaid Duke ſaid, He had not been the occaſion of their ſtaying, but that having heard the motion with much earneſtneſs in the Lords Houſe of Parliament, he could do no leſs than give the Order they had done; and therefore he willed them to ſet down the reaſons of their D ſuit, which he would acquaint the Houſe withall; yet in the mean time gave them leave to let their ſaid Ships and Pinaces fall down as low as *Tilbury*. And the tenth of *March* following, an unuſual joynt Action was by his procurement entred in the chief Court of Admiralty, in the name of the ſaid late King, and of the Lord Admiral, againſt them, for fifteen thouſand pounds, taken Piratically by ſome Captains of the ſaid Merchants Ships, and pretended to be in the hands of the *Eaſt-India* Company; and thereupon the King's Advocate, in the name of Advocate for the then E King and the ſaid Lord Admiral, moved and obtained one Attachment, which by the Serjeant of the ſaid Court of Admiralty was ſerved on the ſaid Merchants in their Court, the ſixteenth day of *March* following: Whereupon the ſaid Merchants, though there was no cauſe for their moleſtation by the Lord Admiral, yet the next day they were urged in the ſaid Court of Admiralty to bring in the Fifteen thouſand pounds, or go to Priſon. Wherefore immediately the Company of the ſaid Merchants did again ſend the Deputy aforeſaid, and ſome others, to make new ſuit un- F to the ſaid Duke, for the releaſe of the ſaid Ships and Pinaces; who unjuſtly endeavouring to extort money from the ſaid Merchants, proteſted, that the Ships ſhould not go, except they compounded with him; and when they urged many more reaſons for the releaſe of the ſaid Ships and Pinaces, the Anſwer of the ſaid Duke was, That the then Parliament muſt

firſt

firſt be moved. The ſaid Merchants therefore being in this perplexity, and in their conſultation, the three and twentieth of that month, even ready to give over that Trade, yet conſidering that they ſhould loſe more than was demanded by unlading their Ships, beſides their Voyage, they reſolved to give the ſaid Duke Ten thouſand pounds for his unjuſt demands. And he the ſaid Duke, by the undue means aforeſaid, and under colour of his Office, and upon falſe pretence of Rights, unjuſtly did exact A and extort from the ſaid Merchants the ſaid Ten thouſand pounds, and received the ſame about the 28 of *April* following the diſcharge of thoſe Ships, which were not releaſed by him, till they the ſaid Merchants had yielded to give him the ſaid Duke the ſaid Ten thouſand pounds for the ſaid Releaſe, and for the falſe pretence of Rights made by the ſaid Duke, as aforeſaid.

VII. Whereas the Ships of our Sovereign Lord the King, and of B his Kingdoms aforeſaid, are the principal ſtrength and defence of the ſaid Kingdoms, and ought therefore to be always preſerved, and ſafely kept, under the command, and for the ſervice of our Sovereign Lord the King, no leſs than any the Fortreſſes and Caſtles of the ſaid Kingdoms: And whereas no Subject of this Realm ought to be diſpoſſeſſed of any his Goods or Chattels without order of Juſtice, or his own conſent firſt duly had and obtained; The ſaid Duke being Great Admiral of *England*, Governour-General and Keeper of the ſaid Ships and Seas, and therefore ought C to have and take a ſpecial and continual care and diligence how to preſerve the ſame; the ſaid Duke in or about the end of *July* laſt, in the firſt year of our Sovereign Lord the King, did, under the colour of the ſaid Office of Great Admiral of *England*, and by indirect and ſubtil means and practices, procure one of the principal Ships of his Majeſty's Navy Royal, called the *Vantguard*, then under the command of Captain *John Penington*, and ſix other Merchants Ships of great burden and value, belonging to ſeveral perſons inhabiting in *London*, the natural Subjects of his D Majeſty, to be conveyed over, with all their Ordnance, Munition, Tackle, and Apparel, into the parts of the Kingdom of *France*, to the end that being there, they might the more eaſily be put into the hands of the French King, his Miniſters and Subjects, and taken into their poſſeſſion, command and power: And accordingly the ſaid Duke, by his Miniſters and Agents, with Menaces, and other ill means and practices, did there, without order of Juſtice, and without the conſent of the ſaid Maſters and Owners, unduly compel and enforce the ſaid Maſters and Owners of the E ſaid ſix Merchants Ships, to deliver the ſaid Ships into the ſaid poſſeſſion, command and power of the ſaid French King, his Miniſters and Subjects; and by reaſon of his compulſion, and under the pretext of his power as aforeſaid, and by his indirect practices, as aforeſaid, the ſaid Ships aforeſaid, as well the ſaid Ship Royal of his Majeſty, as the others belonging to the ſaid Merchants, were there delivered into the hands and command of the ſaid French King, his Miniſters and Subjects, without either ſufficient ſecurity or aſſurance for re-delivery, or other neceſſary caution in that behalf taken and provided, either by the ſaid Duke himſelf, or otherwiſe by F his direction, contrary to the duty of the ſaid Offices of Great Admiral, Governour-General, and Keeper of the ſaid Ships and Seas, and to the faith and truſt in that behalf repoſed, and contrary to the duty which he oweth to our Sovereign Lord the King in his place of Privy-Counſellor, to the apparent weakening of the Naval ſtrength of this Kingdom, to the great

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great loſs and prejudice of the ſaid Merchants, and againſt the liberty of thoſe Subjects of our Sovereign Lord the King, that are under the Juriſdiction of the Admiralty.

Thoſe Ships to be uſed to his knowledge againſt *Rochel*.

VIII. The ſaid Duke, contrary to the purpoſe of our Sovereign Lord the King, and his Majeſty's known zeal for the maintenance and advancement of the true Religion eſtabliſhed in the Church of *England*, knowing that the ſaid Ships were intended to be employed by the ſaid French King againſt thoſe of the ſame Religion at *Rochel*, and elſewhere, in the Kingdom of *France*, did procure the ſaid Ship Royal, and compell, as aforeſaid, the ſaid ſix other Ships to be delivered unto the ſaid French King, his Miniſters and Subjects, as aforeſaid, to the end the ſaid Ships might be uſed and employed, by the ſaid French King, in his intended War againſt thoſe of the ſaid Religion in the ſaid Town of *Rochel*, and elſewhere within the Kingdom of *France*: And the ſaid Ships were, and have been ſince ſo uſed and employed by the ſaid French King, his Miniſters and Subjects, againſt them. And this the ſaid Duke did, as aforeſaid, in great and moſt apparent prejudice of the ſaid Religon, contrary to the purpoſe and intention of our Sovereign Lord the King, and againſt his duty in that behalf, being a ſworn Counſellor to his Majeſty, and to the great ſcandal and diſhonour of this Nation. And notwithſtanding the delivery of the ſaid Ships by his procurement and compulſion, as aforeſaid, to be employed as aforeſaid, the ſaid Duke, in cunning and cautelous manner to maſk his ill intentions, did, at the Parliament held at *Oxford* in *Auguſt* laſt, before the Committee of both Houſes of Parliament, intimate and declare, That the ſaid Ships were not, nor ſhould they be ſo uſed and imployed againſt thoſe of the ſaid Religon, as aforeſaid, in contempt of our Sovereign Lord the King, and in abuſe of the ſaid Houſes of Parliament, and in violation of that Truth which every man ſhould profeſs.

A B C

Theſe three Articles were aggravated by Mr. *Glanvile*.

D

Mr. *Glanvile*. enlargeth the ſixth Article.

"MY Lords (ſaid he) In this great buſineſs of Impeachment againſt "the Duke of *Buckingham*, I am commanded by the Commons in "Parliament to bear a part of ſome importance.

"The Articles allotted to my charge are three, the Sixth, Seventh, "and Eighth; which I ſhall open with as much brevity and perſpicuity "as I may: The ſubſtance of ſeveral Caſes concerning the ſame; The "Evidence to make them good, together with ſuch Obſervations as na- "turally ariſe out of the matter; whereby your Lordſhips may the better "diſcern wherein the Duke's faults do conſiſt, and what puniſhment may "be anſwerable to ſuch offences.

E

"The Sixth Article is a diſtinct Charge, different from the other "two; wherefore I will handle it, with the Incidents thereof, by it ſelf. "The Seventh and Eighth Articles being of one nature and ſubject, are "indeed ſeveral parts of one Charge, rather than ſeveral Charges, and "have ſuch a connexion in themſelves, that, with your Lordſhips leaves, "I will handle them both together without dividing them, which I hold "will be the ſhorteſt and fitteſt way to do right to the Cauſe, and to your "Lordſhips.

F

"The Sixth Article giveth me occaſion (my Lords) thus to enlarge "my ſelf. In a Treaty the 18 of *Auguſt* 1604. between our late Sovereign "King *James* of glorious memory, and *Philip* the Third King of *Spain*,

"It

"It was agreed, That there ſhould be perfect Amity and Peace to endure
"for ever by Land, Sea, and Freſh-waters, between theſe Kings, their
"Heirs and Succeſſors, their Dominions, Liege-men and Subjects, then
"being, or which ſhould be; And that either party ſhould then after ab-
"ſtain from all depredations, offences and ſpoils, by Sea, Land, and
"Freſh-waters, in what Dominions or Government ſoever of the other,
"and ſhould cauſe reſtitution to be made of all depredations which then
A "after ſhould be committed, and the damages growing by means thereof;
"And that the ſaid Kings ſhall take care that their Subjects ſhould from
"thenceforth abſtain from all force and wrong-doing, and that they like-
"wiſe ſhould revoke all Commiſſions and Letters-Patents of Repriſal or
"Mart, or otherwiſe, containing Licence to take Prizes; All which are
"declared by the ſaid Treaty it ſelf to be void, and that whoſoever ſhould
"do any thing contrary ſhould be puniſhed not only criminally, according
"to the merit of his offence, but ſhould alſo be compelled to make reſti-
B "tution and ſatisfaction for the loſſes to the parties damnified, requiring
"the ſame. Laſtly, it was concluded, That between them and every of
"their Subjects might be free Commerce in all the Dominions by Sea,
"Land, and Freſh-waters, in which before the Wars there hath been
"Commerce, and according to the uſe and obſervance of the ancient
"Leagues and Treaties before the Wars, the Cuſtoms as they were at
"that preſent rated according to the Ordinance of the Places being
"paid.

C "This Treaty being ſettled and continuing, his late Majeſty King
"*James* by His Highneſs Letters-Patents bearing date the 14 of *Sep-*
"*tember*, *An.* 13. of his Reign, did grant unto the Governors of the Mer-
"chants of *London* trading into the *Eaſt-Indies*, and to their Succeſſors,
"in caſe they be juſtly provoked or driven thereunto, in defence of their
"Perſons, Goods or Ships, by any diſturbance or hinderance in their quiet
"courſe of Trade, or for recompence or recovery of the Perſons, Ships
"or Goods of any of his Majeſties Subjects that had been formerly in,
D "or near the *Eaſt-Indies*, or for any other juſt cauſe of their defence, or
"recompence of loſſes ſuſtained; That then the Captains or principal
"Commanders of the ſaid Company, or any other under their govern-
"ment, ſhould or might attempt, ſurprize, or take the Perſons, Ships, and
"Goods of any Prince or State, by whoſe Subjects they ſhould ſuſtain
"any wrong or loſs in manner as aforeſaid, as by the ſaid Letters-Patents
"appeareth: Some years after the granting of theſe Letters-Patents, under
"pretext that the ſaid Treaty was broken, there was ſome interruption
E "and violence offered by the King of *Spains* Subjects in the Ports of *Eaſt-*
"*India* to the Merchants of the *Eaſt-India* Company trading into thoſe
"parts, whereby they were much damnified; and thereupon ſuſpecting
"that it might be in vain to complain for redreſs in an ordinary courſe
"of Juſtice in the *Eaſt-India*, or in default thereof to return into *Spain*
"to make complaint to that purpoſe, where nothing was likely to be
"done till they had ſent from thence again into the *Eaſt-Indies*, and
"received an Anſwer; And after all this, upon denial of Juſtice in *Spain*,
F "to come into this Kingdom for Letters of Requeſt, without which in
"ordinary courſe they ſhould not uſe Repriſal, and many years would
"be ſpent before they could come to have an end of their ſuits; It is
"true, that thereupon, partly in their defence, and partly for amends,
"and partly for revenge, they did by pretext of the ſaid Letters-Patents
"take ſome Goods of the *Portugals* in the *Eaſt-Indies*, Subjects to the

"King

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"King of *Spain*; and afterwards being commanded by the King of *Per-*
"*ſia* to tranſport certain Forces of his in *Ormus* an Iſland ſituate in the
"Countrey of *Perſia*, ſome goods of *Portugals* Subjects to the King of
"*Spain* were there taken by Captain *Blith* and Captain *Wedel*, and others
"of their Company, being Servants and in pay under the *Eaſt-India*
"Company.

"In *July* 1623. Two Ships called the *Lyon* and the *Jonas*, being
"part of a Fleet belonging to the ſaid Company, returned from *Ormus* A
"aforeſaid out of an *Eaſt-Indian* Voyage, and arrived in the *Downs* rich-
"ly laden with Goods and Merchandiſe lawfully belonging to the ſaid
"Company, and eſtimated to the value of One hundred thouſand
"pounds. The Duke of *Buckingham*, in or about *October* 1623. being
"advertiſed thereof, well knowing the Company to be rich, and appre-
"hending in himſelf a probable ground how he might exact and extort
"ſome great ſum of Money from the ſaid Company out of the profit of
"theſe Ships and their lading, by colour of his Office of Lord Admiral of B
"*England*, and out of his Power and greatneſs; his Office being uſed for
"a ground-work of his deſign therein, did thereupon pretend, that the
"lading of the ſaid Ships was for the moſt part with Goods Pyratically
"taken at Sea in the parts about *Ormus* aforeſaid, and that a Tenth part,
"or ſome other great ſhare thereof, did belong to him in the right of his
"ſaid Office of Lord great Admiral of *England*, and by vertue of his
"Letters-Patents and Grant from his late Majeſty in that behalf; alleadg-
"ing withall, howſoever the ſaid Company might peradventure an- C
"ſwer the matter, yet there would and might be ſtrong oppoſition
"againſt them. Theſe words were uſed to poſſeſs them with fear, and to
"make them ſtand in awe of his power, when he ſhould come afterwards
"particularly to preſs them to yield to his unjuſt demands. Having once
"reſolved of his ends, which was to get Money, he thus proceeded to
"effect the ſame. In the Moneths of *November*, *December*, *January* and
"*February* then next following, he had divers times Treaties by himſelf
"and his Agents with the then Governor and others of the ſaid Compa- D
"ny, for the effecting of his ſaid deſigns; wherein he ſtill unlawfully
"pretended that a Tenth part, or ſome other great ſhare out of the La-
"ding of the ſaid Ships belonged unto him; albeit the ſaid Company
"upon right information of their Cauſe to their Council, both Ci-
"vilians and Common-Lawyers, were adviſed that there did no
"Tenths or other ſuch ſhares belong to the ſaid Duke, as he pre-
"tended.

"And whereas the ſaid Duke by this time finding that he could not E
"prevail to get his ends by any fair courſe, continued yet reſolute to
"make his gain upon the Company by right or wrong, as he might;
"and to that purpoſe made uſe of the following opportunities and ad-
"vantages; in ſuch cunning and abuſive manner as I ſhall further open
"to your Lordſhips. The ſaid Duke well knowing that the ſaid Company
"had then four Ships, called the *Great James*, the *Jonas*, the *Star*, and the
"*Eagle*, and two Pinaces called the *Spy* and the *Scout*, the ſaid Ships and
"Pinaces, with their Victuals, Store and Ordnance, were of the value F
"of Fifty Four thouſand pounds and more, laden with Lead, Cloth,
"and other Merchandiſe in them to the value of Twenty thouſand
"pounds and more, and having in them alſo about Thirty thouſand
"pounds in Royals of Spaniſh Money; in all, One hundred thouſand
"pounds and more.

"Theſe

2 *Caroli.*

"Theſe Ships and Pinnaces were well near ready to ſet Sail for a
"Voyage into the *Eaſt-Indies* by the firſt day of *March*, in the One and
"twentieth year of his ſaid late Majeſties Reign; and he well-knowing
"how great a hinderance it would be to the ſaid Company, if the ſaid
"Ships and Pinnaces ſhould be ſtayed for any long time, the rather in
"regard if they did not ſet Sail about that time of the year, or within
"Twenty days after, they had utterly loſt their Voyage for that year;
A "the reaſon whereof dependeth upon a ſecret of Winds, called the *Man-*
"*ſounds*, which are conſtantly ſix Months Eaſterly, and ſix Months
"Weſterly, every year at their ſet times, in thoſe parts of *Africa*, about
"the Cape of *Bona Speranza*; (for of thoſe Winds, all Ships going
"hence into the *Eaſt-Indies*, are to make their uſe, in the uſual and due
"time; which yet cannot be done, if men take not their opportunity
"by coming to the Cape in their proper and due ſeaſon, and in ſo long and
"dangerous a voyage, wherein the Equinoctial Line is twice to be paſſed,
B "it is no good diſcretion to ſtay the utmoſt time in going from hence, in
"confidence of fair Winds, but rather to take time enough before-hand,
"for fear of the contrary: Nor can the Lord Admiral of *England*, who
"is *Cuſtos marium Domini Regis*, and hath juriſdiction of all Foreign parts,
"*ſuper altum mare*, be admitted to pretend himſelf ignorant of this Secret,
"or of any other particulars belonging to the Seas and Voyages.) The
"Duke therefore apprehending, and well weighing how great a hinde-
"rance, or rather what an abſolute loſs it would be to the Company, if
C "theſe their Ships and Pinnaces of ſo great value, and bound forth in ſo
"inſtant and difficult a Voyage, ſhould be ſtayed for any long time, now
"they were ready to ſet Sail, and the ſeaſon of going, upon point to ex-
"pire: The ſaid Duke upon the ſaid firſt day of *March*, 1623, to effect
"his deſigns upon the ſaid Company, and to get that by circumvention
"and ſurpriſal, which in a legal and due courſe of juſtice he had not hopes
"to obtain: Not thinking it ſufficient, that the ſenſe of his diſpleaſure ly-
"ing over the Company as an ominous Cloud threatning a ſtorm, if they
D "did not appeaſe him by ſome great ſacrifice; and to caſt them yet fur-
"ther into a farther ſtrait, not ſparing to abuſe your Lordſhips in Par-
"liament, by making you unwilling Inſtruments to give colour and ad-
"vantage to his ſecret and unlawful practiſes. Upon the ſaid firſt day of
"*March*, he put your Lordſhips, ſitting in Parliament, in mind, touch-
"ing the great buſineſs likely to enſue upon diſſolution of the then
"Treaties with *Spain*, and that a ſpeedy reſolution thereof was neceſ-
"ſarily required, for that the Enemy would pretermit no time; and if we
E "ſhould loſe the benfit of that Spring, he ſaid it would be irrevo-
"cable; and thereupon he took occaſion to move that Houſe, whether
"he ſhould make ſtay of any ſhipping that were then in the Ports, (as be-
"ing High Admiral he might) and namely, the ſaid Ships prepared for
"the *Eaſt-Indian* Voyage, which were of great burthen, well furniſhed,
"and fit to guard our own Coaſts: Which motion was generally ap-
"proved of the whole Houſe, knowing nothing of the Duke's ſecret de-
"ſigns and private intentions. And the ſame day a motion was made
"amongſt the Commons in Parliament to the ſame effect, by Sir *Edward*
F "*Seymour*, Knight, the Vice-Admiral to the Duke of the County of
"*Devon*; which in reſpect of the time when, and perſon by whom it was
"propounded, is very ſuſpicious, that it iſſued all from one Spirit,
"and that he was ſet on by the Duke, or ſome of his Agents; the truth
"whereof, your Lordſhips may be pleaſed to ſearch out and examine as

An. 1626. " you ſhall ſee cauſe. By colour of this Order of the Lords Houſe of Par-
" liament, the Duke cauſed *John Pexal* Marſhal of the Admiralty, to
" make ſtay to be made of the ſaid Ships and Pinnaces; howbeit not-
" withſtanding all the occaſion pretended for the defence of the Realm,
" there were not any other Ships ſtaid at this time.

" The Company perceiving, by the courſe of things, from whence
" theſe evils moved, upon the Fifth of *March*, 1623. became earneſt Suitors
" to the ſaid Duke for a Releaſement of their ſaid Ships and Pinnaces; A
" whereunto the ſaid Duke replied, That he had not been the cauſe of
" their ſtay: but having heard the motion in the Lords Houſe, he could
" do no leſs than order as they had done: Yet to attain his ends, and put
" them in ſome hope of favour by his means; he told them withal, That
" he had ſomething in his Pocket might do them good, and willed
" them to ſet down what Reaſons they would for their Suit, and he
" would acquaint the Houſe therewith: Nevertheleſs about this time he
" preſumed of himſelf at *Theobalds*, to give leave for the Ships and Pinna-
" ces to fall down as far as *Tilbury*, there to attend ſuch further directions B
" as ſhould be given unto them, with leave ſo to ſignify by word of mouth
" to the Sergeant of the Admiralty, for that the Duke had then no Secre-
" tary with him. Thus ſomewhile by threatening of ſtrong oppoſitions
" and terrors, and otherwhile by intimating hopes of favour, and good aſ-
" ſiſtance, the Duke ſought to accompliſh his purpoſe, yet prevailed not;
" and ſo the Tenth of *March*, 1623. the King's Advocate Dr. *Reeves*,
" Advocate for the King and Lord-Admiral, made Allegation in the C
" Admiralty on the Duke's behalf; and by his procurements, that it ap-
" peared by Examinations there taken, that 15000 *l.* and more, Pyrati-
" cally taken by the ſaid Captain *Blith* and *Wedel*, and their Complices,
" upon the Sea near *Ormus*, and in other parts within the Juriſdictions
" of the Admiralty, was come into the poſſeſſions of the Treaſurers of the
" *Eaſt-India* Company, and remained in their hands, and prayed it might
" be attached; and the ſaid Treaſurers be moniſhed to appear the *Wed-*
" *neſday* then next following, and there to bring in the 150000 *l.* to re-
" main in Depoſit with the Regiſter of that Court. D

" The ſame Tenth of *March*, a Warrant iſſued forth accordingly, di-
" rected to the Marſhal of the ſaid Court; and upon the ſame next *Wed-*
" *neſday*, the Seventeenth of *March*, the ſaid Warrant was returned by
" the ſaid Marſhal, that the day before he had attached the ſaid Moneys in
" the hands of Mr. *Stone*, then preſent in the Court, and had admoniſhed
" him, and Mr. *Abbot*, the Deputy-Governour of that Company, and di-
" vers others then preſent, to bring the ſame into Court. Upon the
" ſame *Wedneſday* alſo, it was prayed by the King's Advocate, That Mr. E
" *Stone*, and all that had an intereſt in this Money, might be pronounced
" as in Contumacy, and therefore be arreſted and detained until 150000*l.*
" were brought into the Regiſter. Hereupon Sentence of Contumacy
" was pronounc'd, but the payment thereof was reſpited until Friday fol-
" lowing. Upon which Seventeenth of *March*, this Sentence being pro-
" nounced, Mr. *Stone*, Mr. *Abdy*, and others, Officers of the ſaid Compa-
" ny, then preſent, informed how the Governour was lately dead, F
" and buried but the day before; and that upon *Wedneſday* then
" next following, they had appointed a Court for Election of a new
" Governour, and until then they could reſolve of nothing, and there-
" fore deſired further reſpite. The Advocate nothing relenting at this
" reaſonable excuſe, and deſire of the Company, did again earneſtly preſs

" them

2 Caroli.

"their Impriſonments, but the Judge took time to conſider of it. The "Company finding by theſe extraordinary and extreme courſes, the "drift of the Duke, whoſe greatneſs and power ſeemed unreſiſtable, and "his mind implacable, without ſatisfaction to his own content, and with- "all obſerving what a ſtreight they were caſt into, by reaſon of the ſtay of "their Ships; which, if it were much longer, they muſt needs loſe their "Voyage utterly for this year, and the very unloading of them would A "endamage them to the value of the ſum extorted: And being told, that "the Eye of the State was upon this buſineſs, and that it would light "heavy upon them; and hearing the Duke proteſt, their Ships ſhould "not go, unleſs they compounded with him; and finding that he made "difficulty of releaſing their Ships, by ſaying, The Parliament muſt be "moved, before they could be diſcharged, albeit the Wind were now "fair for them. And making overture of ſome reaſonable grounds of "compoſition, by offering to grant Letters of Mart to the ſaid Company B "for the future, againſt the Subjects of the King of *Spain*, while yet the "Peace and Treaty between his late Majeſty and the King of *Spain*, were "not broken or diſſolved.

"The ſaid Company being intangled by the Dukes ſubtilty, and "overcome at laſt by the terror of his Power and Greatneſs, was drawn "to make offer of Six thouſand pounds to the ſaid Duke, which was "rejected as a baſe offer. And now the time preſſing them on very hard, "ſome conſultations were had amongſt them, Whether it were better C "for them to make uſe of a Clauſe in their Patent, allowing them Three "years to draw home their Eſtates, and ſo to let their Company die, "and be diſſolved, or elſe to yield to the Dukes deſire: Yet in conclu- "ſion, they were drawn in to offer him Ten thouſand pounds for their "Peace, if it could ſerve; which offer was made unto him accordingly, but "at firſt he would not accept it; howbeit, about the Three and twentieth "of *March*, 1923. they agreed to give him the ſaid Ten thouſand pounds, "which he accepted; and forthwith moving the Lords of Parliament, D "or acquainting them therewith, he retracted their Ships, and gave "them leave to depart on their Voyage; which they accordingly did, "ſetting ſail the Seven and twentieth day of the ſame moneth from the "*Downs*. And afterwards upon the Fifth of *April*, 1624. the Duke ſig- "nified unto the Lords Houſe of Parliament, That his Majeſty, at the "humble Petition of the *Eaſt-India* Company, had commanded him to "diſcharge the *Eaſt-India* Ships, which he had once ſtayed, according "to the order of this Houſe, made the Firſt day of *March* then laſt paſt; E "and moved, That the ſaid Order might be countermanded: and there- "upon it was ordered, That the Clerk of that Houſe ſhould croſs the ſaid "Order of the Firſt of *March* out of his Book, which was done accord- "ingly; and afterwards the ſaid Ten thouſand pounds was paid unto the "ſaid Duke; which he received and accepted accordingly. And upon "the Eight and twentieth day of *April* aforeſaid, ſuffered a colourable "Sentence in the Admiralty to be given againſt him for their diſcharge, "in ſuch ſort, as by the ſame Sentence appeareth. And for a colour, he ſeal- F "ed and delivered unto the ſaid Company, a Deed of Acquittance or Re- "leaſe of the ſaid Ten thouſand pounds, and of all his pretended Rights "againſt them, as by the Deed thereof alſo appeareth. And whereas it "may be imagined by ſome miſconceit, that out of this an aſperſion may "be laid upon his late Majeſty, in regard the Duke was pleaſed to ſay in "the Conference between both Houſes, 18 *March* laſt, That the ſaid King

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"had ten thouſand pounds of the ſaid Company, by occaſion of this "buſineſs. The Houſe of Commons have been very careful in their "proceedings in this, as in all other things they have, and ever ſhall be, "to do nothing which may reflect upon the Honor of their Kings: And "in this particular, by that which hath been here at firſt declared of the "manner and occaſion of the ſaid Goods and Moneys taken from the ſaid "*Portugals*, and receiving the ſame as aforeſaid, while the ſaid Peace "was continuing, and the ſaid Treaties indiſſolved; it appeareth, that A "it had not been ſafe for the ſaid Company to ſtand out a Suit concern- "ing that buſineſs, wherein they might have need of his Majeſties Mer- "cy and Pardon, but it was both ſafe and good for them to give Ten "thouſand pounds; and it well ſtood with his late Majeſties Honour, for "that ſum to grant them a Pardon, which he did, to their great content- "ment and ſatisfaction; and yet we find, that this Ten thouſand pounds "alſo was paid into the hands of Mr. *Oliver*, the Duke's Servant, but find "not any Record, by which it doth appear unto us, that ever it came un- B "to his late Majeſties uſe. And it is obſervable in this caſe, That the op- "preſſion fell upon the ſame Company ſhortly after the great affliction "on which happened unto ſome of them at *Amboyna* in the *Eaſt-Indies*, "by means of the Dutch which might have moved a Noble Mind, ra- "ther to pitty than puniſh the Company, after ſuch a Diſtreſs ſo late- "ly ſuffered.

"Having now finiſhed the Narrative part belonging to this Charge "I ſhall obſerve unto your Lordſhips upon the whole matter, the nature C "of the Duke's offences by this Article complained of, and what puniſh- "ment it may deſerve. His default conſiſteth in the unjuſt extorting "and receiving the Ten thouſand pounds from the *Eaſt-India* Company "againſt their wills, by colour of his Office. Yet, as offenders in this "kind have commonly ſome colour to diſguiſe and mask their Corrupti- "ons, ſo had he: His colour was the releaſe of his pretended right to "the Tenth part, or ſome other ſhare of the Goods, ſuppoſed to be Pi- "ratically taken at Sea by the Captain, and the Servants, or the Compa- D "ny: And though his Lordſhip may perhaps call his Act therein, a law- "ful Compoſition, I muſt crave pardon of your Lordſhips to ſay thus, "That if his ſuppoſed Right had been good, this might peradventure "have been a fair Compoſition: The ſame pretence being unſound, and "falling away, it was a meer naked Bribe, and an unjuſt Extortion; for "if way ſhould be given to take Money by colout of Releaſes of pretend- "ed rights, Men, great in power, and in Evil, would never want means "to extort upon the meaner ſort at their pleaſures, with Impunity. It E "remains therefore, that I ſhould prove unto your Lordſhips only two "things: Firſt, That a pretence of right by the Duke, if he had none, will "not excuſe him in this caſe; and in the next place, to ſhew by reaſon "and good warrant, That he had in Law no right at all to Releaſe,

"For the former, I will rely upon the ſubſtance of two notable Pre- "ſidents of Judgments in Parliament, the one antient in the 10 *Rich.* 2. "at which time the Commons preferred divers Articles unto the Lords "in Parliament, againſt *Michael de la Pool*, Earl of *Suffolk*, Lord Chancel- F "lor of *England*, accuſing him, amongſt other things, by the firſt Article "of his Charge, That while he was Lord Chancellor, he had refuſed to "give Livery to the chief Maſter of *St. Anthony*'s, of the profit pertaining "to that Order, till he had ſecurity from them, with Sureties by Recog- "niſance of Three thouſand pounds, for the payment of One hundred

"pounds

2 *Caroli.*

' pound *per annum* to the Earl, and to *John* his Son, for their lives. The
" Earl, by way of Anſwer, ſet forth a pretended Title in his Son, to the
" chief Maſterſhip of that Order, and that he took that One hundred
" pound *per annum*, as a Compoſition for his Sons right. The Commons
" replied, ſhewing amongſt other things, That the taking of Money for
" that which ſhould have been done freely, was a ſelling of the Law, and
" ſo prayed Judgment. In concluſion, the pretended right of his Son not
A " being juſt or approved, the offence remained ſingle by it ſelf a ſale of
" Law and Juſtice, as the Law termeth it, and not a Compoſition for
" the Releaſe of his Intereſt. So the Earl for this, amongſt the reſt, was
" ſentenced, and greatly puniſhed, as by the Records appeareth.

" The other Preſident of like nature, is more Modern in the Caſe of
" the Earl of *Middleſex*, late Lord Treaſurer of *England*, who was charg'd
" by the Commons in Parliament, and tranſmitted to your Lordſhips for
" taking of Five hundred pounds of the Farmers of the Great Cuſtoms.
B " as a Bribe, for allowing of that Security for payment of their Rent to
" the late King's Majeſty, which, without ſuch reward of Five hundred
" pounds, he had formerly refuſed to allow of. The Earl pretended for
" himſelf. That he had not only that Five hundred pounds, but Five hun-
" dred pounds more, in all, One thouſand pounds, of thoſe Farmers, for
" a Releaſe of his Claim, to Four, of two and thirty parts of that Farm:
" But, upon the proof, it appearing to your Lordſhips, that he had not
" any ſuch part of that Farm as he pretended, it was in the thirteenth day
C " of *May*, in the two and twentieth year of his late Majeſties Reign, ad-
" judged by your Lordſhips in Parliament (which I think is yet freſh
" in your Memories) That the Earl for this, amongſt other things,
" ſhould undergo many grievous Cenſures, as appeareth by the Records
" of your Lordſhips Houſe, which I have lately ſeen and peruſed.

" And now being to drove, that the ſaid Duke had no Title to any
" part of the Goods by him claimed againſt the *Eaſt-India* Company, I
" ſhall eaſily make it manifeſt, if his Lordſhips pretence by his own Alle-
D " gation in the Admiralty were true, That the Goods, whereof he claims
" his ſhare, were Pyratically taken. From which Allegation, as he may
" not now recede, ſo it is clear by Reaſon and Authority, That of ſuch
" Goods, no part or ſhare whatſoever is due to the Lord Admiral, in
" right of his Office, or otherways.

" For that the Parties from whom the ſame were taken, ought to
" have reſtitution, demanding it in due and reaſonable time; and it were
" an injury to the intercourſe and Law of Nations, if the contrary ſhould
E " be any way tolerated.

" 2. By Law; ſo are the Statutes of this Kingdom, and more
" eſpecially in 27 *Edw.* 3. 13. whereby it was provided, That if any
" Merchant, Privy or Stranger, be robbed of his Goods upon the Sea,
" and the ſame came afterwards into this Realm, the Owner ſhall be re-
" ceived to prove ſuch Goods to be his, and upon proof thereof, ſhall
" have the ſame reſtored to him again.

" Likewiſe 1, 2, 3 *Edw.* 6. 18. in the Act of Parliament, touching
F " Sir *Thomas Seymor*, Great Admiral of *England*, who therein amongſt di-
" vers other things, is charged with this, That he had taken to his own
" uſe Goods Pyratically taken againſt the Law, whereby he moved al-
" moſt all Chriſtian Princes to conceive a grudge and diſpleaſure, and
" by open War to ſeek remedy by their own hands: And therefore for
" this, amongſt other things, he was Attainted of High Treaſon, as

" appeareth

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" appeareth by that Act, wherein the Law is ſo declared to be as before
" is expreſſed.

" But if it ſhould be admitted, that the Duke had right in this caſe,
" for which he might compound; yet the manner of his ſeeking to try
" and recover his right, is, in it ſelf, an high offence, and clearly un-
" lawful in many reſpects, whereof I will touch but a few: As, in making
" the moſt Honourable Houſe of Parliament an Inſtrument to effect his
" private ends for his profit: In proceeding to arreſt and ſtay the Ships of A
" men not apt to fly, but well able to anſwer and ſatisfie any juſt Suits
" which he might have againſt them, though their Ships had gone on in
" their Voyage: In proſecuting things ſo unſeaſonably, and urging them
" ſo extreamly by his Advocate, for bringing in of ſo great a ſum of Mo-
" ney upon the ſudden, and formally under colour of Juſtice and Ser-
" vice for the State: In reducing that Company into that ſtrait and
" neceſſity, that it was as good for them to compound, though the Duke
" had no Title, as to defend their own juſt right againſt him upon theſe B
" diſadvantages, which by his power and induſtry he had put upon
" them.

Then he read the Seventh and Eighth Articles, which he handled joyntly, as being not two Charges, but two ſeveral parts of one and the ſame Charge; and when he had read them, he went on ſpeaking further to their Lordſhips, as followeth.

C

" YOur Lordſhips may have obſerved, how in handling the former
" Articles, I have in my diſcourſe uſed the method of time, which
" I hold to be beſt for the diſcovery of the truth: I ſhall therefore by
" your Lordſhips patience, whereof now I have had ſome good experi-
" ence, uſe the like order in my enlargement upon theſe latter Articles;
" touching which, that which I have to ſay, is thus:

" In or about the Two and twentieth year of the Reign of our late D
" dear Sovereign Lord, King *James*, of famous memory, there being then
" a Treaty between our ſaid late Sovereign and the French King, for a
" Marriage to be had between our then moſt Noble Prince (now our
" moſt Gracious King) and the French King's Siſter (now our Queen)
" and for entring into an active War againſt the King of *Spain*, and his
" Allies in *Italy*, and the *Valtoline*. Our ſaid late Sovereign paſſed ſome
" promiſe to the French King's Ambaſſador here, the Marquis *D'Effiat*,
" for procuring, or lending ſome Ships to be employed by the French in E
" that Service, upon reaſonable conditions; but without thought or in-
" tent that they ſhould be imployed againſt the *Rochellers*, or any others
" of our Religion in *France*: For it was pretended by the French Kings
" Miniſters to our King, That the ſaid Ships ſhould be employed parti-
" cularly againſt *Genoua*, and not otherwiſe. But afterwards ſome matter
" of ſuſpition breaking forth from thoſe of our Religion in *France*, that
" the Deſign for *Italy* was but the pretence to make a Body of an Army
" fall upon the *Rochellers*, or other of our Religion in that Kingdom; the F
" King grew ſo cautious in his Conditions, that as he would perform his
" promiſe to lend his Ships, ſo to preſerve thoſe of our Religion, he con-
" tracted or gave directions, that the greateſt part of the Men in the
" ſame Ships ſhould be *Engliſh*, whereby the power of them ſhould be
" ever in his hands.

" And

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"And the Duke of *Buckingham* then, and yet, Lord Great Admiral of "*England*, well knowing all this to be true, pretended he was and would "be very careful, and proceed with Art, to keep the ſaid Ships in the "hands of our King, and upon our own Coaſts; and yet neverthleſs un- "derhand he unduly intended, practiſed and endeavoured the contrary: "For afterwards by his direction or procurement, in or about the two A "and twentieth year aforeſaid, a Ship of his Majeſties called the *Vant-* "*guard*, being of his Majeſties Royal Navy, was allotted and appointed "to be made ready for the Service of the French King, and ſeven other "Merchants Ships of great burthen and ſtrength, belonging to ſeveral "perſons, Natural Subjects, of our ſaid late Sovereign Lord, were by the "Duke's direction impreſſed as for the Service of his ſaid late Majeſty, "and willed to make themſelves ready accordingly. The Names and B "Tunnage of the ſaid ſeven Merchants Ships were as followeth.

1. "The Great *Neptune*, wherof Sir *Ferdinando Gorge* was Captain.
2. "The *Induſtry*, of the burden of Four hundred and fifty Tuns, "whereof *James Moyer* was Captain.
3. "The *Pearl*, of which *Anthony Tench* was Captain.
4. "The *Marigold* of Three hundred Tuns, *Thomas Davies* Captain.
5. "The *Loyalty*, of Three hundred Tuns, *Jaſper Dare* Captain.
6. C "The *Peter and John*, of Three hundred and fifty Tuns, *John* "*Davies* Captain.
7. "The *Gift of God*, of Three hundred Tuns, *Henry Lewen* Captain.

"Alſo about the ſame time a Contract was made by and between "Sir *John Cook*, and other the Commiſſioners of his Majeſties Navy, as "in behalf of his Majeſty for his ſaid Ship the *Vantguard*, and on be- "half of the Captains, Maſters, and Owners of the ſaid ſeven Merchants "Ships, but without their privity or direction, for the ſervice of the French D "King, upon conditions to be ſafe and reaſonable for our King, this "Realm and State; as alſo for the ſaid Captains, Maſters, and Owners "of the ſaid ſeven Merchants Ships, and for the Companies. For Sir "*John Cook* drew the Inſtructions, for the direction of the ſaid Contract; "which Inſtructions paſſed and were allowed by the King, and ſuch of "the Council, as were made acquainted therewith, and uſed in this buſi- "neſs, In which Inſtructions, as Sir *John Cook* hath ſince alledged in the "Houſe of Commons, there was care taken for Proviſion to be made, E "that the ſaid Ship of his Majeſty called the *Vantguard*, ſhould not ſerve "againſt the City or Inhabitants of *Rochel*, or thoſe of the Religion in "*France*; nor take into her more Men of the French, than ſhe could from "time to time be well able to Command and Maſter. But whether the "Inſtructions for the Merchants Ships, and the King's ſaid Ship, were all "one, is not yet declared unto the Commons; howbeit, it appeareth not, "but that the intent of our King and State was, to be alike careful for "both. Neverthleſs a form of Articles, dated the Five and twentieth F "day of *March*, in the Three and twentieth year of his ſaid late Maje- "ſty's Reign, was prepared, ingroſſed, and made ready to be ſeal- "ed, without the knowledge of the Captains, Maſter, and Owners of "the ſaid Merchants Ships, between the ſaid Marquis *D'Effiat* "the Ambaſſador, on the one part, and the ſeveral Owners of the "ſaid Merchants Ships reſpectively, on the other; *viz.* A ſeve- "ral Writing or Inſtrument for every of the ſaid Ships reſpectively, "whereby

An. 1626. "whereby amongſt other things, as by the ſame appeareth, it was cove-
"nanted and agreed by, and on the part and behalf of the Owners, to and
"with the ſaid Marquis *D' Effiat*, to this effect, namely,

"1. That their ſaid Ships reſpectively, with a certain number of Men
"for every of them limited, with Ordnance, Munition, and other ne-
"ceſſaries ſhould be ready for the French King's Service, the Thirteenth
"of *April* then next following. A

"2. That they ſhould go in that Service under a French General,
"to be as Captain in every of the ſaid Merchants Ships reſpectively; of
"the appointment of the French King, or his Ambaſſador.

"3. That they ſhould ſerve the French King againſt any whomſo-
"ever, but the King of *Great Brittain*.

"4. That they ſhould take in as many Soldiers into their ſaid ſeveral
"Ships as they could ſtow or carry, beſides their Victual and Apparel.

"5. That they ſhould continue ſix Months, or longer, in the Service, B
"ſo that the whole time did not exceed eighteen Months.

"6. That they ſhould permit the French to have the abſolute Com-
"mand of their Ships, for Fights and Voyages.

"And it was amongſt the ſaid Articles, beſides other things, cove-
"nanted and agreed by the ſaid Marquis *D' Effiat*; as, for and on the
"behalf of the French King, to this effect, namely.

"I. That there ſhould be paid to every Owner a months freight in C
"hand, after the rate agreed on; and freight for two Months more af-
"ter the ſame rate, within Fifteen days after the date of the Articles;
"the computation of the Months, to begin from the 28th of *March*.

"II. And that the Ships ſhould be ready in a certain form preſcribed
"at the end of the Service.

"When all things were in a readineſs for circumvention and ſurpri-
"ſal the Owners, Captains, and Maſters of the ſaid Ships, then, and D
"not before, they were ſuddainly preſſed to ſeal the Counterparts of the
"prepared Articles; and they were about the ſame time releaſed and
"diſcharged from the Impreſt of his Majeſties Service, and acquainted
"and deſigned to ſerve the French King, the ſaid three Months Pay be-
"ing offered, and afterwards paid unto them before-hand, as a Bait to
"draw on and intangle them in the buſineſs. Nevertheleſs, the Captains
"and Owners of the ſaid Merchants Ships doubted upon ſome points,
"(to wit) Firſt, againſt whom they ſhould be employed. Secondly, What E
"Foreign Power they ſhould be bound to take into their Ships. And
"Thirdly, What ſufficient ſecurity they ſhould have for that Freight,
"and re-delivery of their Ships.

"But there were private Inſtructions given to Captain *John Penning-*
"*ton*, Captain of the King's Ship the *Vantguard*; as for him and the
"whole Fleet, that he ſhould obſerve the firſt Inſtructions, to wit, not
"to ſerve againſt thoſe of the Religion, and to take into his Ship no more
"French-men then they could maſter. The pretence of *Genoua*, and theſe F
"private Inſtruments for *Pennington*, were but a further Artifice of the
"Dukes to draw the Ships into *France*, and to conceal the breaking forth
"of the matter here in *England*: And the more to endear them, and
"confirm them in an opinion of right intention, they were commanded to
"conceal theſe private Inſtructions, as if the Duke and his Agents had
"truſted

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"truſted them more then they did the Ambaſſadors: By theſe and other
"like cunning and undue proceedings of the ſaid Duke, the ſaid Marquis
"D'Effiat ſealed one part, and the Owners of the ſaid Merchants Ships
"reſpectively ſealed the other parts of the ſaid pretended Articles, truſt-
"ing they ſhould not be bound to the ſtrict performance thereof, by rea-
"ſon of the ſaid private Inſtructions to the contrary. After the paſſing of
"theſe Articles, the ſaid ſhips being formerly ready, the ſaid Duke *May* 8.
A "1625. made a Warrant under the Great Seal, to call the companies
"aboard which had been raiſed and fitted for the ſaid French ſervice, ac-
"cording to former Inſtructions, and with firſt opportunity to go to ſuch
"Port as the French Ambaſſador ſhould direct, &c. there to expect Di-
"rections of the Party that ſhould be Admiral of the ſaid Fleet, ſo pre-
"pared, with a requiry of all Officers to be aſſiſtant hereunto.

"All things being now in readineſs, Captain *Pennington* being Ad-
"miral of this whole Fleet, in *May* 1625. went with the Kings ſaid ſhip
B "the *Vantguard*, and the ſeven Merchants ſhips aforeſaid to *Diep* in *France*;
"There inſtantly the Duke of *Momorancy*, Admiral of *France*, would
"have put two hundred French Soldiers aboard the Ship called the
"*Induſtry*, being no more men then ſhe could ſtow, but a far greater pro-
"portion of Men then her proper Company was able to command or ma-
"ſter; and offered alſo to do the like to every one of the ſaid ſhips, tel-
"ling the ſaid Captain *Pennington*, and other the ſaid Engliſh Captains,
"and Owners, and their Companies in direct terms, that they were to
C "go, and ſhould go to ſerve againſt the City and Inhabitants of *Rochel*,
"and againſt thoſe of our Religion: whereunto they all ſhewing them-
"ſelves unwilling, there were Chains of Gold and other Rewards offer-
"ed unto ſome of the Captains, Maſters, and Owners, to induce them:
"All which they utterly refuſed, proteſting unanimouſly againſt the De-
"ſign, and would not take in above a fit number of men, ſuch as they
"might be able to command.

"Alſo the Company of the Kings ſhip did there inform Captain
D "*Pennington* of this Overture made to go againſt *Rochel*, and exhibited a
"Petition to him againſt the ſame, ſubſcribing their names to the Petition
"in a Circle or Compaſs, that it might not appear who was the beginner
"of the ſame, and then they laid it under his Prayer-Book, where he
"found and read it. Whereupon Captain *Pennington* and the reſt con-
"ſulted more ſeriouſly of the matter, and by a general aſſent returned
"all back to the *Downs*, where they arrived about the end of *June*, or be-
"ginning of *July* 1625. From thence Captain *Pennington* ſent a Letter to
"the Duke of *Buckingham* by one *Ingram*, with the ſaid Petition, and im-
"ployed him to become a Suiter to get a diſcharge from ſerving againſt
"*Rochel*: *Ingram* delivered the Letter to the Duke, and ſaw him read it
"together with the ſaid Petition: whereby, as by other former and la-
"ter means, he had full notice of the Deſign, and intent of the French
"to go againſt the Rochellors: *James Moyer* alſo about the ſame time came
"to the Court, and had conference with my Lord *Conway* and Sir *John*
"*Cook*, (now Secretary) acquainting them what had paſſed at *Diep*, pray-
F "ing them to acquaint the Duke, which they did, and the Duke delivered
"the ſaid Letter and Petition to Sir *John Cook*. The Duke of *Chevereux*
"and Mounſieur *de Villocleer* being now come into *England*, as Extraordi-
"nary Ambaſſadors from the French King, they & the ſaid Marquis *d'Ef-*
"*fiat*, more eſpecially *D'Effiat*, ſollicited and got a Letter from the Lord
"*Conway* by the Dukes means, dated *July* 10. 1625. directed to Captain

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"*Pennington*, whereby he took upon him to expreſs and ſignifie his Ma-
"jeſties pleaſure to be, That his Majeſty had left the command of the
"ſhips to the French King, and that now Captain *Pennington* ſhould re-
"ceive into them ſo many men as that King ſhould pleaſe for the time
"contracted, and recommended his Letter to be as a ſufficient Warrant
"in that behalf. All this while the King or body of the Council were
"never made acquainted with any other deſign than that of *Genoa*, nor
"heard any thing of the paſſages at *Diep*, nor of the deſign of *Rochel*, nor A
"of our Maſters and Companies Petitions, Informations or Complaints
"thereupon. This Letter of the Lord *Conways* was ſent by *Parker* from
"*Hampton-Court* unto *Pennington*, being now about the *Downs*, and was
"not long after delivered into his hands. About this time Monſieur *de la*
"*Touche*, and others, as from the Duke *de Rohan*, and others of the Pro-
"teſtant party in *France*, ſollicited our King and Council againſt the go-
"ing of the ſhips, and had good words and hopes from both, but from
"the Duke the contrary, who told them, the King his Maſter was B
obliged, and ſo the ſhips muſt and ſhould go.

"The ſhips remained ſtill in the *Downs*, and afterwards, *viz.* about
"*July* 15. 1625. there was a Treaty at *Rocheſter* between the three Am-
"baſſadors Extraordinary of *France*, and *James Moyer*, and *Anthony Tou-*
"*chin* for themſelves and other Engliſh Captains, and Maſters of
ſhips, &c.

"The ſaid *Moyer* and *Touchin* being by Meſſage commanded to attend
"the Duke of *Buckingham* at *Rocheſter*, for concluſion and ſettlement to
"be had of this buſineſs, the ſaid Ambaſſadors did there proffer and offer C
"to the ſaid *Moyer* and *Touchin* an Inſtrument in French purporting
"thus, *viz.*

1. "That the ſaid Engliſh Captains and their Companies ſhould con-
"ſent and promiſe to ſerve the French King againſt all, none excepted
"but the King of *Great Brittain*, in conformity of the Contract former-
"ly paſſed between *d' Effiat* and them.

"2. That they ſhould conſent and agree, in conſideration of the aſſu- D
"rance given them by the Ambaſſadors, to the Articles of *March* 25. 1625.
"whereby the French King ſhould be made Maſter of the ſaid ſhips, by
"indifferent Inventory; that then they ſhould by him be warranted
"againſt all hazards of Sea-fight, and if they miſcarried, then the value
"thereof to be paid by the French King, who would alſo confirm this
"new Propoſition within fifteen days after the ſhips ſhould be delivered
"to his uſe by good caution in *London*. E

3 "That if the French King would take any men out of the ſaid ſhips,
"he might, but without any dimunition of freight for or in reſpect
"thereof.

"The ſaid *James Moyer* having gotten the French inſtrument interpre-
"ted, anſwered, 1. They would not go to ſerve againſt *Rochel*; 2. nor
"ſend their ſhips without good warrant for their going; and 3. not
"without ſufficient ſecurity to their liking for payment of their freight,
"and riddition of their ſhips, or the value thereof; for the Ambaſſadors
"ſecurity was by them taken not to be ſufficient, and they proteſted F
"againſt it, and utterly refuſed this peraffetted Inſtrument: Here alſo
"Sir *John Epſly* and Sir *Thomas Love* diſſwaded the Duke from this en-
"terpriſe, telling him he could not juſtifie nor anſwer the delivery of
the ſhips to the French.

"The Lord Duke being at *Rocheſter*, and there acquainted with all
"theſe

2 *Caroli.*

"theſe proceedings, commanded the ſaid *Moyer* and the reſt before theſe
"Ambaſſadors, that they ſhould obey the Lord *Conway*'s Letter, and re-
"turn to *Diep* to ſerve the French, and that ſo was our King's pleaſure;
"Howbeit herein his Majeſties pleaſure appeared not, but the contrary:
"yet privately at the ſame time the Duke told them, that the ſecurity
"offered, or formerly given by the Ambaſſador, was inſufficient, and that
"though they went to *Diep*, yet they might and ſhould there keep their
A "Ships in their own power, till they had made their own Conditions to
"their own liking. *July* 16. 1625. the Duke of *Chevereux*, and Mon-
"ſieur *Villocleer*, finding that they could not accompliſh their deſigns at
"*Rocheſter*, but they muſt be fain to defer the getting thereof till the
"coming of the Ships back again to *Diep*, where it was thought that bet-
"ter opportunity, and more advantage for their ends would be had, did,
"to that purpoſe, make and ordain the Marquis *D'Effiat* their Deputy to
"contract with the Captains and Maſters of the Engliſh Ships for the
B "French King's ſervice, as effectually as themſelves might do, thereby
"transferring their power in that behalf to the ſaid *D'Effiat*, who intend-
"ed to go over to *Diep* forthwith about this buſineſs. The Duke of *Buck-*
"*ingham* having thus the ſecond time dealt with the Captains and
"Maſters to go to *Diep*, and arm'd and prepar'd *D'Effiat* how and in
"what manner there to circumvent them, ſent over to *Diep* privately,
"and underhand, his Secretary, Mr. *Edward Nicholas*, together with
"*D'Effiat*. Mr. *Nicholas* at and before the going over, had inſtructions
C "from the Duke by word, to ſee the execution of the King's pleaſure
"ſignified by the Letter from my Lord *Conway*, and to procure the Cap-
"tains and Maſters of the ſaid Merchants Ships, to deliver over their
"Ships into the hands of the French, upon the ſecurity peraffetted at
"*Rocheſter*, by the three French Ambaſſadors, and by them delivered to
"the Duke of *Buckingham*, who committed the ſame to the ſaid Mr. *Ni-*
"*cholas*, as the ſecurity, which in that behalf he was to take and accept.
"Mr. *Nicholas*, according to thoſe Inſtructions, went to *Diep* with
D "*D'Effiat*, and was there very urgent to get the Ships delivered to the
"French, according to the ſaid Inſtructions at their coming over to
"*Diep*: *D'Effiat* entred a Suit and Proteſted againſt our Captains and
"Maſters, and their original Articles, the better to enforce them to per-
"form the ſame, without reſpect to the Dukes verbal pretences or alle-
"gations, made to the Captains and Maſters at *Rocheſter*, and in other
"places formerly to the contrary.

"The Captains and Maſters came over again to *Diep* about *July* 20.
E "where they found themſelves in a ſtrait, by reaſon of the ſaid Proteſt
"there entred againſt them, the Duke's inſtructions by word being too
"weak to exempt them from obtaining their Contract under their Hands
"and Seals; alſo Mr. *Nicholas* uſing the King's name with threatning
"words, was there very earneſt from day to day, and very vehemently
"preſſed them to deliver over their Ships, before ſecurity given to their
"content, contrary to the former Propoſition, (*viz.* the Lord Duke's
F "word to them at *Rocheſter*) which they refuſing to yield unto, ad-
"vertiſement thereof was ſpeedily ſent to the Duke of *Buckingham*, and
"to his Agents in *England*; and Mr. *Nicholas* continued ſtill at *Diep*
"about his former Negotiation.

"*July* 27. 1625. Sir *Ferdinando Gorge*, *Anth. Touching*, *James Moyer*,
"*Hen. Lewen*, *Tho. Davies*, *Jaſp. Dard*, and *James Davies*, as Owners & Ca-
"ptains of the ſaid ſeven Engliſh Ships hired for the French, did expreſs

An. 1626. "in writing, that they held it fit they ſhould not quit their Ships, till they "had made their own reaſonable conditions, and were freed from the "queſtions and troubles they were in; and in particular,

1. "They pray to be free of the ſaid Proteſt, that they might the bet- "ter treat of their affairs.

2. "If the French King would have delivery of their Ships into his "power and poſſeſſion, that then they might have ſecurity by Money "depoſited in *London*, without revocation for ſatisfaction of their Ships, A "the former ſecurity by Merchants being inſufficient, and a ſtop already "made of their Pay, which, upon that ſecurity, they know not how to "come by.

3. "Becauſe their Ships, being Fortreſſes of this Kingdom, and the "delivery of them over into the hands of a Forreign Prince without "good warrant, concerneth even their very lives, that they might have "a warrant in that behalf under the great Seal of *England*, before they "ſhould be bound to deliver them over. B

4. "To be free of their bonds entred into for not ſelling their Ord- "nance, and alſo free of puniſhment in that behalf; And they ſhewed "how they were more cautious herein, for that Commiſſioners drew the "firſt Articles, which were now wholly broken, and theſe Articles were "to be done by themſelves.

"And this writing they ſent from their Ships by one Mr. *Baſſet Cole*, "to preſent on ſhoar to the Marquis *d'Effiat* at *Diep*, appointed the ſaid "Mr. *Cole* to treat for a ſpeedy concluſion according to theſe Articles; C "who treated accordingly: And the ſaid Marquis to induce him to yield "to his demands, ſhewed a Letter in French, ſigned by the Duke of "*Buckingham*, whereby the Duke promiſed his endeavours to get the "Marquis's turn ſerved touching theſe Ships.

"The next day, *viz.* 28 *July*, 1625. Mr. *Nicholas* came aboard the "*Neptune*, and declared in writing under his hand, how and why he "was ſent over by the Duke of *Buckingham*, as before, and craved the "Captain and Maſter's Anſwer in writing under their hands, whether D "they would conform to the Lord *Conway*'s Letter, and to the Inſtru- "ment peraffetted at *Rocheſter*, for the delivery over of the ſaid Ships, "yea or no, offering to procure them a ſufficient diſcharge to their "contentment, for their ſo doing.

"The ſame day alſo, Sir *Ferdinando Gorge*, and the reſt, by writing, "under their hands ſubſcribed, did declare as followeth; namely,

That they were willing to obey our King, but held not the ſecurity per- E
affetted at Rocheſter, *by the three Ambaſſadors, to be ſufficient (though ho-*
nourable) and ſo they abſolutely refuſed to deliver their Ships upon that ſecu-
rity, deſiring better caution in that behalf.

1. *By Merchants of* Paris.
2. *To be transferred to* London.
3. *Irrevocable.*
4. *And ſuch as might not be protected by Prerogative; and to have this* F
under the Hands and Seals of both Kings.

"All this while our King, or Body of the Council, knew nothing in cer- "tain of any other deſign of the French, than onely of their pretence "againſt *Genoa*, and believed, that all the Articles and Inſtruments that "had paſſed between the French and us, or the Captains, Maſters, and

"Owners

2 Caroli.

"Owners of the Engliſh Ships had been penn'd and contriv'd with full
"and good cautions accordingly, for prevention of all dangers that
"might grow to the contrary. Alſo the ſame 28 *July*, the Captains and
"Maſters taking notice of Mr. *Nicholas* preſſing them to deliver their
"Ships before ſecurity given to their content, contrary to former Pro-
"poſitions, which they held unreaſonable, did make anſwer unto the
"Marquis in writing, That until they ſhould have ſecurity to their con-
A "tentment, they would not quit the poſſeſſion of their Ships unto the
"French, (which was but reaſonable) and they ſent therewith a valuati-
"on of their ſeveral Ships, as they would ſtand to. They likewiſe de-
"manded a performance of all things, formerly ſent to his Lordſhip from
"them by Mr. *Nicholas* (ſave only for the ſecurity by money depoſited)
"ſaying, That for all the reſt they durſt not proceed otherwiſe.

"Laſtly, They prayed for a ſpeedy Anſwer, that the delay in this
"buſineſs may not ſeem to be in them.

B "But *D'Effiat* being confident of the Duke of *Buckingham's* Letters,
"promiſes, and proceedings aforeſaid, would not conſent to theſe reaſon-
"able demands of the Captains and Maſters of the Engliſh Ships, pro-
"tracting the time till he might hear further from the laid Duke out of
"*England*.

"While theſe things were thus in handling both in *France* and in
"*England*, there were written over out of *France* into *England* Letters of
"advertiſement, how, and upon what ground, or by what act or means
C "procured or occaſioned, appeareth not; yet from one Mr. *Larking*, a
"ſervant to the Earl of *Holland*, and a kind of Agent, a perſon ſome
"way employed by our State, or under ſome of our Ambaſſadors or Mi-
"niſters in *France*; That the Peace was concluded with thoſe of our Re-
"ligion in *France*; and that within fourteen days the War would break
"forth, or begin in *Italy*, with a deſign upon *Genoa*; a matter of great
"importance for annoying the *Spaniard*.

"This Letter of *Larking* came to the Engliſh Court at *Richmond*,
D "28 *July*, when the Dutcheſs of *Chevereux*'s Child was there Chriſtned,
"and the Contents thereof (as hath been alledged) were confirmed by
"the Ambaſſadors of *Savoy* and *Venice*: By the advantage and colour
"whereof, the Duke of *Buckingham* drew the King, who all this while
"knew nothing of the deſign upon *Rochel*, or thoſe of our Religion, but
"thought the former Articles had been ſafe and well penned, both for
"him and his Subjects, (according to the moſt Religious and Politick in-
"tention, and inſtructions in that behalf originally given by his late Fa-
E "ther) to write a Letter dated at *Richmond* the ſame 28 *July*, directed to
"the ſaid Captain *Pennington* to this effect, *viz.*

"His Majeſty did thereby charge and command the ſaid Captain *Pen-*
"*nington*, without delay, to put his Highneſs former command in execu-
"tion, for conſigning the *Vantguard* into the hands of the Marquis *D'Effi-*
"*at* for the French, with all her Furniture, aſſuring her Officers, his Ma-
"jeſty would provide for their indempnity; and to require the ſeven
"Merchants Ships, in his Majeſty's name, to put themſelves into the ſer-
F "vice of the French King, according to the promiſe his Majeſty had made
"unto him; and in caſe of backwardneſs or refuſal, commanding him
"to uſe all forcible means to compel them, even to ſinking; with a
"charge not to fail, and this Letter to be his Warrant.

"This Letter was ſent by Captain *Thomas Wilbraham* to Captain
"*Pennington*, who was yet in the *Downs*. In the beginning of *Auguſt*, 1625.

"Captain

An. 1626. "Captain *Pennington* went over again to *Diep*, carrying with him the ſaid "Letters of his Majeſty, and certain Inſtructions in writing from the Duke "of *Buckingham* to Mr. *Nicholas*, agreeable in ſubſtance to the former "verbal Inſtructions given by the Duke to him at *Rocheſter*, as the ſaid "*Nicholas* alledgeth: who alſo affirmeth, that in all things what he did "touching that buſineſs, he did nothing but what was warranted by the "Duke's Inſtructions to him: which, if it be true, then the Duke of "*Buckingham*, who commanded and employed him therein, muſt needs "be guilty of the matters ſo acted by the ſaid Mr. *Nicholas*. If there be "any ſubſequent act or aſſent of Council, or of ſome Counſellors of "State for the going of theſe Ships to the French, or for putting them "into their power, it was obtained only for a colour, and was undu- "ly gotten, by miſ-informing the Contents of the ſealed Articles, and "concealing the Truth, or by ſome other undue means: Neither can "any ſuch latter act of Council in any ſort juſtifie the Dukes proceed- "ings, which, by the whole current of the matter, appears to have been "indirect in the buſineſs even from the beginning. About the time of "Captain *Pennington*'s coming over to *Diep* the ſecond time, Mr. *Nicho-* "*las* did, in his ſpeeches to the Captains and Maſters of the ſeven Mer- "chants Ships, threaten and tell them, That it was as much as their lives "were worth, if they delivered not their Ships to the French, as he re- "quired; which put them in ſuch fear, as they could hardly ſleep: And "thereupon two of them were once reſolved to have come again away "with the Ships; and becauſe the former threats had made them afraid "to return into *England*, therefore to have brought and left their Ships "in the *Downs*, and themſelves, for ſafety of their lives, to have gone in- "to *Holland*.

"Captain *Pennington* being the ſecond time come into *Diep*, there "forthwith delivered and put the ſaid Ship the *Vantguard* into the abſo- "lute power and command of the ſaid French King, his Subjects and Mi- "niſters, to the ſaid French Kings uſe, to be employed in his ſervice at "his pleaſure; and acquainted the reſt of the Fleet with the effect of his "Majeſty's Letter and Command, and demanded and required them "alſo, to deliver and put their Ships into the power and command of the "French King accordingly. The Captains, Maſters, and Owners of the "ſeven Merchants Ships refuſed ſo to do, as conceiving it was not the "King's pleaſure they ſhould ſo do, without ſecurity for delivery of their "Ships, or ſatisfaction for the ſame to their good contentment. Here- "upon *Pennington* went on ſhoar at *Diep*, and there ſpake with *D'Effiat* "the Ambaſſador, and ſhortly after returned aboard, and gave the Ca- "ptains, Maſters, and Owners an anſwer, reſting upon the validity, and "urging the performance of the former Contract made and peraffetted "in *England*.

"Then the ſaid Maſters and Captains prepared to be gone, and "weighed Anchor accordingly. Whereupon Captain *Pennington* ſhot at "them, and forced them to come again to Anchor, as yielding themſelves "for fear to his mercy and diſpoſal. Upon this, Captain *Pennington* and "the Frenchmen, that now commanded the *Vantguard*, came aboard the "Merchants Ships, and there propoſed unto them a new way for their ſe- "curity touching their Ships, namely, to accept the ſecurity of the "Town of *Diep*: Whereupon they all went aſhoar, except Sir *Ferdi-* "*nando Gorge*, who, with his Ship, the *Great Neptune*, adventured to "come away, as not liking theſe new and unreaſonable Propoſitions.

"At

2 *Caroli.*

"At their coming aſhoar they ſpake with Mr. *Nicolas*, and there by his
"inforcement came to a new agreement to accept the ſecurity of the
"Town of *Diep*, upon certain hard Conditions; namely, The ſaid Mar-
"quiſs *d'Effiat* as Extraordinory Ambaſſador in *England*, and as having
"power by deputation from the Duke of *Chevereux* and *Villocleer*, on or
"about *Auguſt* 15. 1625. did agree and promiſe to the ſaid *Moyer Tou-*
"*chin*, *Thomas Davies*, *Dard*, *John Davies*, *Lewen* as Captains and owners
A "of the ſaid ſhips, called the *Induſtry*, the *Pearl*, the *Marygold*, the *Loy-*
"*alty*, the *Peter* and *John*, and the *Gift of God*, then being in the Road
"of the Town of *Diep*, That the French King ſhould give and furniſh
"to the ſaid owners (they being preſent, and accepting it in this Town)
"this ſufficient ſecurity, That within fifteen days after the ſaid French
"King ſhould be in poſſeſſion of the ſaid Ships, he ſhould give ſufficient
"caution in *London*, for the ſum of Two hundred and thirteen thou-
"ſand Livers, whereat the ſaid ſhips were eſtimated, with all that ap-
B "pertaineth to them, as Cannons and other Munitions of War, *viz.* Fif-
"ty thouſand pounds. And in or about the ſame 15. *Auguſt* 1625. the
"Commonalty of the ſaid Town of *Diep* entred ſecurity, and bound
"the Goods of their Commonalty to the ſaid Engliſh Captains and Own-
"ers, That the ſaid French King and his Ambaſſadors ſhould furniſh the
"ſecurity within the City of *London* within the time, and for the ſum
"aforeſaid.

"On or about *Auguſt* 16. 1625. the ſaid Marquis *d'Effiat*, as well
C "in his quality of being Ambaſſador, as by vertue of his ſaid Deputati-
"on, did by publick Act promiſe unto the ſaid *Moyer*, *Touchin*, &c. to
"give and furniſh to them (they being preſent and requiring it in the
"Town of *Diep*) ſufficient ſecurity in the City of *London*, within fifteen
"days after the French King ſhould be in peaceable poſſeſſion of the ſaid
"ſhips, for the ſum of two hundred and thirteen thouſand Livers Tur-
"noys, whereat the ſaid ſhips were valued, namely, for the ſaid ſhip cal-
"led the *Induſtry*, and ſo a ſeveral ſum for every ſhip, which ſecurity
D "ſhould remain for aſſurance to pay to every of them the priſes of their
"ſhips, before ſpecified in that Act, in caſe they ſhould be left in the
"French Kings hands, with other particulars in the ſaid Act mentioned,
"without derogating nevertheleſs from the Clauſes of the ſaid Contract
"*March* 25. 1625. Albeit, becauſe the ſaid Ambaſſadors had found it
"good to diſcharge the ſaid Engliſh Mariners out of the ſaid ſhips, that
"therefore the freight agreed upon by the ſaid former Contract ſhould
"not be wholly paid, but only for the ſpace of the firſt ſix months;
"yet if the French King would uſe them for twelve months longer, or
"for any leſs time, that then he ſhould pay freight for the ſame accord-
"ing to a new particular rate and manner expreſſed in the ſaid Articles,
"and bound the goods of himſelf and the ſaid Duke of *Chevereux* and
"Monſieur *Villocleer* for the performance hereof, as by the ſaid Article it
"ſelf, reference being thereto had, amongſt other things more fully
"appeareth.

"This Article being paſſed and recorded at *Diep*, all the ſaid ſeven
F "Merchants ſhips, except the *Great Neptune*, who was gone away in
"deteſtation of the Action intended by the French, were forthwith
"delivered into the abſolute poſſeſſion, power, and command of the
"French King, and of his ſaid Ambaſſador *d'Effiat*, and other the
"Miniſters and Subjects of the French King; to be imployed by him
"in his ſervice at his pleaſure, and not one of all the Engliſh
Company

An. 1626. "company, Man or Boy, (other then one only man, a Gunner as it ſhould "ſeem) would ſtay in any of thoſe ſhips, to ſerve againſt the Rochellors, "or thoſe of our Religion.

"As ſoon as theſe ſhips were thus delivered into the poſſeſſion and "power of the French, the ſaid Ambaſſador then moved them, and dealt "earneſtly with them for the ſale of their Ships. Mr. *Nicholas* having "finiſhed the work he went for, at his coming from *Diep* he received a "Diamond Ring worth Fifty pounds, and an Hatband ſet with ſparks of A "Diamonds, worth one hundred Marks, of the Ambaſſador, as a recom- "pence for his pains taken in this Imployment, which (although Am- "baſſadors do confer greater rewards ſometimes at their parting upon "perſons of Mr. *Nicholas* his quality, for leſs ſervice done) yet was it "more then ſo ill an office as he was imployed in, could in any ſort de- "ſerve.

"The ſaid Captain *Pennington* returned ſpeedily into *England*, and "took his journey towards the City of *Oxford*, where the Parliament B "was then ſitting, by adjournment from *Weſtminſter* thither, and there "ſeveral Propoſitions were taken into debate for the good of our Reli- "gion, and the ſupply of his Majeſties occaſions: For the well reſolving "and ſetling whereof, the true knowledge how, and upon what occaſions "and terms the ſeveral ſhips were ſent, delivered, imployed, and to be im- "ployed, was very requiſite. Afterwards nevertheleſs upon or about "*Auguſt* 6. 1625. at a meeting and conference between both the Houſes "of Parliament in *Chriſt-Church-Hall*, after the reading there of his Ma- C "jeſties moſt gracious Anſwer to a Petition of the Lords and Commons "formerly exhibited unto his Majeſty touching our Religion, and "much for the good thereof, the Duke of *Buckingham* well knowing "all the paſſages which I have now related to your Lordſhips to be "true, did not only cauteloufly conceal the ſame, but alſo much "boldly and untruly, by colour of a meſſage delivered from his Ma- "jeſty to both the Houſes, affirm unto them touching thoſe ſhips to this "effect; That it was not always fit for Kings to give account of D "their Counſels, and that about five of the ſix Months were already "paſt and yet the ſaid ſhips were not imployed againſt *Rochel*; wil- "ling and adviſing the ſaid Lords and Commons to judge the things by "the event, to which he ſeemed to refer the matter. By which cun- "ning Speeches the Duke intended, and accordingly did make the "Lords and Commons then to believe that the ſaid ſhips were ne- E "ver meant, or any way in danger to be employed againſt the Ro- "chellors or thoſe of our Religion in *France*; and herein he did "great injury and diſſervice to his Majeſty, to the great ſcandal "and prejudice of our Religion and Affairs, and highly abuſed both "the Lords and Commons by this cautelous and ſubtle Speech and Inſi- "nuation, and thereby gave both Houſes occaſion to forbear Petitioning "or ſuing to his Majeſty for Redreſs in this buſineſs, while the time was "not then paſſed; for his ſhips were not as then actually imployed a- "gainſt the Rochellors, albeit in truth they were then delivered into "the French Kings Power. F

"And the ſame time before the Parliament was diſſolved, Cap- "tain *Pennington*, who could have opened the whole truth of the bu- "ſineſs for the ſervice of the King and the Realm, came to *Ox*- "*ford*, but was there drawn to conceal himſelf by means of the

Duke

"Duke and not to publiſh in due time his knowledge of the Premiſſes,
"as was there ſhortly after reported. The truth whereof, the Lords in
"this Parliament may be pleaſed to examine, as they ſhall ſee cauſe;
"the Parliament at *Oxford* being ſhortly after, *viz. Aug.* 12. unhappily
"diſſolved.

"In or about *September* 16. 25, the ſaid Ships were actually employ-
"ed againſt the *Rochellers*, and their Friends to their exceeding great
A "prejudice, and almoſt utter Ruine. It hath been ſaid by ſome of the
"*French*, that the *Vantguard*, ſhe mowed them down like Graſs; to the
"great diſhonour of our Nation, and the ſcandal of our Religion, and
"to the diſadvantage of the great affairs of this Kingdom, and all Chri-
"ſtendom.

"Alſo the Ships themſelves were in eminent peril to be utterly loſt,
"for lack of ſufficient cautions. If they be come home ſince this Par-
"liament ſate down, long after the matter was here expounded and ta-
B "ken into examination; it may be well preſumed, that it is by ſome un-
"derhand procuring of the Duke, and the ſecret complying of the
"*French* with him, to colour out the matter; which the Lords may ex-
"amine as they ſee cauſe, The one and only *Engliſhman* that preſumed
"to ſtay in one of the Ships, and ſerve againſt the poor *Rochellers* of our
"Religion, at his return, was ſlain in charging a Piece of Ordnance, not
"by him well Sponged.

"In *February* laſt, 1625. Monſieur *de la Touche* having Speech with
C "Mr. *Thimos Sherwell*, a Member of the Commons-Houſe of Parlia-
"ment, at *Salisbury*, as he was coming up to the Parliament, and Mon-
"ſieur *de la Touche* going down into *Somerſetſhire* to Mr. *John Paulets*
"to Monſieur *Sobyſa*; He told Mr. *Sherwell* in the hearing alſo of
"one Mr. *John Clements* of *Plymouth*, who is now in Town, the
"words that the Duke had ſpoken to him the laſt Summer, touching
"theſe Ships; and thereupon uſed theſe words, *Ce Duque eſt un meſhant*
"*homme.*

D

"Upon this whole Narration of the Fact touching the manner of
"Delivery of the Ships to the *French*, divers things may be obſerved,
"wherein the Duke's offences do conſiſt: as, in betraying a Ship of
"the King's Royal Navy unto a Forreign Prince's hand, without good
"Warrant for the ſame; the diſpoſſeſſing the Subjects of this Realm of
"their Ships and Goods by many Artifices and Subtilties, and, in con-
"cluſion, with high hand and open violence, againſt the good will of
E "the Owners; In breaking the Duty of Lord Admiral and Guardian
"of the Ships and Seas of this Kingdom; in varying from the original
"good Inſtructions, and preſuming to give others of his own head in
"matters of State; In violating the duty of a ſworn Privy-Coun-
"ſellor to His Majeſty; In abuſing both Houſes of Parliament
"by a cautelous Mis-information, under a colour of a Meſſage
"from his Majeſty; and in diſadvantaging the Affairs of thoſe of
"our Religion in Forreign parts: Offences of an high and grievous
F "nature.

"For the proof of ſome parts thereof, which are not the leaſt, I of-
"fer to your Lordſhips conſideration the Statute of the 2 & 3 of *E.* 6.
"touching the Duke of *Somerſet*; wherein is recited, That amongſt
"other things, he did not ſuffer the Piers, called the *Newhaven* and
"*Blackerſt*, in the parts beyond the Seas, to be furniſhed with Victuals

An. 1626. "and Money, whereby the French were encouraged to invade and w[illegible] "the ſame; and for this offence, amongſt others, it was Enacted, That "a great part of his Land ſhould be taken from him. And if *Non-feazance* "in a matter tending to loſe a fixed Caſtle belonging to the King, be an "high offence; then the actual putting of a Ship-Royal of the Kings, in- "to the hand of a Forreign Prince, which is a moveable and more uſeful "Caſtle and Fortreſs of the Realm, muſt neds be held a greater Of- "fence.

"I will forbear to cite any more Preſidents of this kind, becauſe "ſome of thoſe who have gone before me, have touched at divers Preſi- "dents of this nature, which may be applied to this my part. Onely, "becauſe the abuſe of the Parliament, which is the chiefeſt Council of "State and Court of Judicature in the Realm, is not the leaſt offence in "this buſineſs, I ſhall deſire your Lordſhips to take it into conſideration "the Statute of *Weſtm.* 1 *cap.* 30. whereby ſuch as ſeem to beguile Courts "of Juſtice, are to be ſore judged in the ſame Courts, and puniſhed, as by "that Statute appeareth.

So he concluded, and left the Duke to their Lordſhips equal Juſtice.

The Ninth and Tenth Articles were read next.

IX. Whereas the Titles of Honour of this Kingdom of *England* were wont to be conferred as great Rewards, upon ſuch virtuous and induſtrious Perſons as had merited them by their faithful ſervices; the ſaid Duke, by his importunate and ſubtle procurement, had not only perverted that antient and moſt honourable way, but alſo unduly, for his own particular gain, he hath enforced ſome that were rich (though unwilling) to purchaſe Honour: as, the Lord *R.* Baron of *T.* who by practiſe of the ſaid Duke and his Agents, was drawn up to *London*, in or about *October*, in the Two and twentieth year of the Reign of the late King *James* of famous memory, and there ſo threatened and dealt withal, that by reaſon thereof he yielded to give, and accordingly did pay the ſum of Ten thouſand pounds to the ſaid Duke, and to his uſe: For which ſaid ſum, the ſaid Duke, in the moneth of *January*, in the Two and twentieth year of the ſaid late King, procured the Title of *Baron R.* of *T.* to the ſaid Lord *R.* In which practiſe, as the ſaid Lord *R.* was much wronged in this particular, ſo the example thereof tendeth to the prejudice of the Gentry, and diſhonour of the Nobility of this Kingdom.

X. Whereas no Places of Judicature in the Courts of Juſtice of our Sovereign Lord the King, nor other like Preferments given by the Kings of this Realm, ought to be procured by any Subject whatſoever for any Reward, Bribe, or Gift; he the ſaid Duke, in or about the moneth of *December*, in the Eighteenth year of the Reign of the late King *James* of famous memory, did procure of the ſaid King the Office of *High Treaſurer of England* to the Lord Vicount *M.* now Earl of *M.* Which Office, at his procurement, was given and granted accordingly to the Lord Vicount *M.* And as a reward for the ſaid procurement of the ſame Grant, he the ſaid Duke did then receive to his own uſe of, and from the ſaid Lord Vicount *M.* the ſum of 20000 *l.* of lawful Money of *England*. And alſo in or about the Moneth of *January*, in

2 Caroli.

in the Sixteenth year of the Reign of the ſaid late King, did procure of the ſaid late King of famous memory, the Office of *Maſter of the Wards and Liveries*, to and for Sir *L. C.* afterward Earl of *M.* which Office was, upon the ſame procurement, given and granted to the ſaid Sir *L.C.* And as a reward for the ſame procurement, he, the ſaid Duke, had, to his own uſe, or to the uſe of ſome other perſon by him appointed, of the ſaid Sir *L.C.* the ſum of Six thouſand pounds of lawful Money of *England*, contrary to the Dignity of our Sovereign Lord the King, and againſt the Duty that ſhould have been performed by the ſaid Duke unto him.

Theſe, as alſo the Eleventh Article, were enlarged and aggravated by Mr. *Pym*, in this manner.

My Lords,

"ALthough I know that I ſhall ſpeak to my own diſadvantage, yet I "ſhall labour to ſpeak with as little diſadvantage to the matter as I "can. I have no Learning or Ornament whereby I might ſhew my ſelf, "and I ſhall think it enough plainly to ſhew the matter: For all that I "aim at, is, that I may loſe nothing of the Cauſe. And therefore, my "Lords, I ſhall apply my ſelf with as much convenient brevity, as one "that knows that your Lordſhips time is much more precious than my "words: Your Lordſhips being ſuch Judges, as will meaſure things by "true and natural proportions, and not by the proportion of the action "or expreſſion.

"The firſt entrance into my ſervice, muſt be reading the Articles.

"My Lords, this Charge for matter of fact, is ſo notorious and ap- "parent, that it needs no proof, that theſe Honours have been procured: "And therefore I will only inſiſt upon the Conſequence. Firſt, I will "ſhew, that by this Fact the Duke hath committed a great of- "fence: And Secondly, That this offence hath produced a great "Grievance to the Commonwealth. And I will conclude, in ſtrengthen- "ing the whole by ſome Preſidents of former times, that Parliaments "have proceeded in that courſe, in which your Lordſhips are like to "proceed.

Mr. *Pym* enlargeth the Eleventh Article.

"Firſt, to prove it a fault or an offence, I muſt prove that there was "a duty; for every fault preſuppoſeth a duty: And in this caſe the firſt "work is to ſhew, that the Duke was bound to do otherwiſe: For which "I need to alleadge nothing elſe, than that he is a ſworn Servant and "Counſellor to the King, and ſo ought to have preferred his Majeſty's "Honour and Service before his own pride, in ſeeking to Ennoble all that "Bloud that concerned him. And it is not enough to ſay, that it is not "queſtionable; for there have been great Men queſtioned in the like "caſes. There be ſome Laws made that are particular, according to the "temper and occaſions of ſeveral States: There are other Laws that be "coeſſential and collateral with Government; and if thoſe Laws be "broken, all things run to diſorder and confuſion: Such is that Rule "obſerved in all States, of ſuppreſſing Vice to encourage Virtue, by apt "Puniſhment and Rewards: And this is the fitteſt Law to inſiſt upon in "a Court of Parliament, when the proceedings are not limited either by "the Civil or Common Laws, but Matters are adjudged according as "they ſtand in oppoſition or conformity with that which is *Supremâ Lex*, "*ſalus Populi.*

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"2. By this late Law, whoever moves the King to beſtow Honour, "which is the greateſt reward, binds himſelf to make good a double "proportion of Merit in that party who is to receive it; The firſt, of "value and excellence; the ſecond of continuance and durableneſs. "And as this Honour ſets men up above others, ſo they ſhould be emi- "nent in Virtue beyond others: As it is perpetual, not ending with "their perſons, but deſcending upon their poſterity; ſo there ought to "be in the firſt root of this Honour ſome ſuch active merit in the ſervice A "of the Common-wealth, as might tranſmit a vigorous Example to "his Succeſſors, whereby they may be raiſed to an imitation of the "like Virtues.

"He ſaid, he would forbear to urge this point further, out of a modeſt "reſpect to thoſe perſons whom it did collaterally concern, profeſſing "his Charge to be wholly againſt the Duke of *Buckingham*.

"3. From the conſideration of Honour, together with the price of "Money; the which being compared together, may be reduced to two "heads (may it pleaſe your Lordſhips;) the one being earthly and B "baſe, may be bought with a proportionable price of White and Red "Earth, Gold and Silver: The other, which is Spiritual (which is Sub- "lime) to which, Money cannot be a proportionable price. Honour is "tranſcendent, in regard it was held a Sacred and Divine thing; inſo- "much that there was a Temple dedicated to her by the *Romans*: And "ſo I conclude by preſcription, that Honour is a Divine thing; for the "Scripture calls Kings, *Gods*; and then thoſe that are about Kings muſt "needs be reſembled to thoſe Powers and Principalities that attend next C "to the Throne: And if Honour be ſuch a Divine thing, it muſt not "be bought with ſo baſe a price as Money.

"4. Laſtly, Honour is a Publick thing, it is the reward of Publick "deſerts.

"And thus your Lordſhips have ſeen, that the ſale of Honour is an "offence unnatural againſt the Law of nature. Now what an offence this "is, your Lordſhips may diſcern, conſidering the kinds of the offence, "and the Adjuncts which I now fall upon. D

"1. It extreamly deflowers the Flowers of the Crown; for it makes "them cheap to all beholders.

"2. It takes from the Crown the moſt fair and frugal reward of de- "ſerving Servants: for when Honour comes to be at ſo mean a rate as "to be ſold, there is no great man will look after it.

"3. It is the way to make a man more ſtudious for lucre and gain, "than of ſufficiency of Virtue; when they know that they ſhall be pre- E "ferred to Titles of Honour according to the heavineſs of Purſe, and not "for the weihgtineſs of their merit.

"4. It introduceth a ſtrange confuſion, mingling the meaner with the "more pure and refined metal.

"5. Laſtly, It's a prodigious ſcandal to this Nation, (as the Houſe of "Commons think.)

"For Examples and Preſidents, I am confident there are none; and F "your Lordſhips can look for none, becauſe it is not parallell'd to any "Preſident. But certainly it is now a fit time to make a Preſident of "this Man, this great Duke, that hath been lately raiſed to this tran- "ſcendent height in our Sphere; who thinketh he cannot ſhine enough,

"unleſs

2 Carol.

"unleſs he dim your Lordſhips Honours, in making the ſame contempti-
"ble through the ſale of it, by the commonneſs of it.

"Yet I am commanded further to obſerve another ſtep of unwor-
"thineſs in this Gentleman, who hath not only ſet Honour to ſale by his
"Agents, but compelled men likewiſe, unwilling to take Titles of Ho-
"nour upon them. For the particular, that Noble Gentleman that this
"concerns, I am commanded to ſay of him from the Houſe of Commons,
"That they conceive of him, that he was worthy of this Honour, if he
A "had not come to it this way; They can lay no blame upon him, that
"was conſtrained to make this bargain to redeem his trouble. But we
"muſt diſtinguiſh of this, as Divines do betwixt the *Active* and the *Paſ-*
"*ſive* Uſurers; they condemn the *Active*, ſpeaking favourably of the
"*Paſſive*.

"And I muſt here obſerve to your Lordſhips, by the Direction of the
"Houſe of Commons, That it ſeems ſtrange to them, that this Great man,
"whom they have taken notice of to be the Principal Patron and Sup-
B "porter of the Semi-pelagian and a Popiſh Faction, ſet on foot to the dan-
"ger of this Church and State, whoſe Tenets are *Liberty of Free-will*,
"though ſomewhat mollified; That a man, embracing theſe Tenets, ſhould
"not admit of Liberty in Moral things: And that he ſhould compel one
"to take Honour and Grace from a King whether he will or no; what
"is that, but to add Inhumanity and Oppreſſion, to Injury and Incivi-
"lity.

"But here I muſt anſwer a Preſident or two, which may be by miſ-
C "underſtanding enforced againſt me. 5 *H.* 5. There was *Martin* and
"*Babington*, and others, which were choſen to be Sergeants, and they did
"decline from it out of their Modeſty, and doubted that their Eſtates
"were not anſwerable to their Place: Yet upon the charge of the War-
"den of *England*, they accepted it, and appeared to their Writs. Like-
"wiſe there is a Writ in the Regiſter, that many, by reaſon of the Tenure
"of their Lands, may be compelled to be made Knights. But this makes
D "rather againſt, than for this Faction: For it is true, that this is the
"wiſdom and policy of the Common-Law, that thoſe that be thought
"fit men for Imployment, may be drawn forth to be imployed for the
"good of the Common-wealth, where otherwiſe they would not take
"it upon them: But that any man, for his gain, ſhould force a man
"to take Degrees of Honour upon him; certainly this is beyond all
"Preſidents, and a thing not to be exampled, either in our Nation, or
"any other.

E "And further, I am commanded to tell your Lordſhips, That it is
"dangerous, that if a great Lord, by his Power or Strength, may compel
"a Subject to take ſuch Honours, why may he not compel them as well
"to take his Lands at what price he will, and to ſell them again as he
"thinks fit; yea, to marry his Children as it pleaſeth him? The conſe-
"quence of this is great, if that it be well conſidered; and they conceive
"that it is of ſo great a conſequence, that if it be not ſtopped, it may
"come in time to make way for a dangerous ſubverſion, and demon-
F "ſtrates a great Tyranny of a Subject, under a moſt wiſe, moſt Graci-
"ous, and moſt moderate King.

"And thus (my Lords) I have done with the firſt Article allotted
"to my Charge, and ſo I proceed to the next.

My

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The Tenth Article enlarged.

"*My Lords*, Before I enter into the enforcement of this Article, I shall, "by way of Proteſtation from the Houſe of Commons, do in this, as I did "in the other Article. And firſt, for the King's Majeſty, under whom we "are now happily governed and placed, I muſt, by their direction, ſay, for "his Honour and our comfort, and, with humble acknowledgment con- "feſs, that ſince his coming to the Crown, there have been men of as "great Parts and Learning advanced into Places in Church and Com- "mon-wealth, as any have been heretofore. And then for the firſt of thoſe A "Lords, whoſe names are mentioned in this Article, I muſt ſay, that they "do not intend to reflect at all upon him; nay, they think his perſon ſo "worthy, as to be advanced to as high a Place, without any price at all, "and that he ought to have kept it longer, if thoſe that ſhuffled in thoſe "times, *had not ſhuffled him out.*

"Now to the matter of this Article, which is the Sale of Places of "Judicature, being an offence: And to prove this, is all one as to make "the Glaſs clear by painting of it. The grounds whereon I ſhall go, ſhall B "be laid open; *Magna Charta, Chap.* 29. The words are theſe; *Nulli ven-* "*demus, nulli negabimus Juſtitiam.* It may be ſaid, this comes not cloſe "to my purpoſe; yet, by your Lordſhips favour, I ſhall make it good, that "it doth, and I ſhall begin with the latter of the two firſt, *Nulli nega-* "*bimus*; For if any that hath power or favour with the King, ſhould pro- "cure him to delay the making of Judges, when there were Judges to "take it, it will not be denied, that they do their beſt endeavour to make "the King break his word; for if any uſe their favour about the King to C "procure Places of Judicature for Money, they do what in them lies to "make Juſtice ſaleable; for it is plain, that he that buys muſt ſell, and "cannot be blamed if he do ſell.

"I ſhall open the evil conſequences that depend upon the ſale of the "Places of Judicature, or any Places of great Truſt.

"1. By this means, unable men ſhall be ſure of the Precedence unto "Places; for they being conſcious of their own want of Merits, they "muſt be made up by the weight of Gold.

"2. It muſt needs hence follow, that Suits, Contentions, Brawls, and D "Quarrels ſhall be increaſed in the Common-wealth. For when men come "to ſeats of Judicature by purchaſe, they muſt, by increaſe of Suits, in- "creaſe their own profit.

"3. Men will not ſtudy for ſufficiency of Learning to be able to "diſcharge their Places, but how they may ſcrape together Money to purchaſe Places. E

"4. It will follow, That thoſe that have the beſt Purſes, though worſt "Cauſes, will carry away the Victory always.

"5. It will follow, That when they be preferred for Money to thoſe "Places, they are tied to make the beſt of thoſe Places, *viis & modis*: "And then the Great Man that ſold thoſe Places to them, muſt uphold "them in their Bribery; and he is tied to it, becauſe they are his Crea- "tures; nay further, he is tied to ſupport them in their Bribery, to ad- "vance their Places upon the next remove.

"6. And laſtly, when good men, and well-deſerving, come to any F "Place, they ſhall not continue there, but they ſhall be quarrelled at, ſo "that there may be a vacancy in that Place, and then ſome other ſhall "ſuddenly ſtep into the Saddle, by giving a competent price.

"Upon theſe and the like reaſons, this fact of ſelling and buying "Places and Offices of Truſt, hath not only been declaimed againſt by "Chriſtians,

2 Caroli.

"Chriſtians, but alſo by Moral Pagans, *Ariſtotle* in his 5 *lib.* of *Ethicks* "*cap.* 8. gives it as a *Caveat*, That no man amongſt the *Thebans* was to "take upon him any place of Government in the Common-wealth, if "that he were a Merchant, unleſs there were ten years diſtance between. "And the Reaſon is this, becauſe Merchants are uſed to buying and "ſelling, it is their Trade and Art to get Money, ſo that their fingers are "accuſtomed to that which they cannot leave, when they come to A "Places of Truſt and Judicature. Nay further, in honour of the Mer- "chants, He is accounted the wiſeſt Merchant that gains moſt; ſo that if "ſuch comes to Offices and Places of Truſt, he thinks it beſt to advance "his profit.

"Next to the Pagans, the Popes, a Generation full of Corruption, yet "they, by their Bulls, are full of Declamation againſt ſuch. And this is "plain by a Bull of *Pius Quintus*, who lays the penalty of Confiſcation "of Goods of any that do for Money acquire any Offices, and condemns B "them by his Papal Sentence to be great ſinners. So *Gregory* the Thir- "teenth condemns the like.

"And now to come nearer home, to come to that which will princi- 'pally lead your Lordſhips, which are the Judgments of your Anceſtors 'in Parliament; wherein it appears by the Statute of 5 *H.* 6. that the 'ſame Statute condemns the Seller and Receiver, as well as the Buyer 'and Giver. It further appears by the Preamble of that Statute, that "ſuch offences were againſt the Law, and they foreſaw the Corruptions C "of thoſe that came into thoſe Places by thoſe means, and that it is a hin- "drance of ſufficient and worthy men from thoſe Places. And alſo 2 & "3 *E.* 6. which was likewiſe cited in the Caſe of the Duke of *Somerſet*, "by which he was to forfeit his Eſtate, that one thing was for ſelling of "Places in the Common-wealth for Money. And certainly with your "Lordſhips favour, it is moſt juſt and Probable, that they that profeſs "themſelves to be Patriots, and ſhew by their actions, that they aim at "their own lucre, and labour to hinder the diſtributing of Juſtice; it is D "moſt juſt and proper, that thoſe Men ſhould return back again to the "Publick Treaſury of the King and Kingdom, what they have by their "unſatisfied lucre gotten.

"And ſo, my Lords, craving pardon of you for my boldneſs, confu- "ſion, and diſtractions, in going through this buſineſs, I humbly leave "my ſelf to the Judgments of your Favours and Charities, and this Great "Man the Duke to your wiſe Cenſure and Juſtice.

E Then was read the Eleventh and Twelfth Articles.

"XI. That he the ſaid Duke hath, within theſe ten years laſt paſt, pro- "cured divers Titles of Honour to his Mother, Brothers, Kindred, and Al- "lies; as, the Title of *Counteſs of Buckingham* to his Mother, while ſhe was "Sir *Thomas Compton*'s Wife; the Titles of *Earl* of *A.* to his younger "Brother *Chriſtopher Villiers*; the Titles of *Baron* of *M. P. Vicount F.* and "*Earl of D.* to his Siſter's Husband, Sir *W. F.* the Titles of *Baron of S.* and F "*Vicount P.* to Sir *John Villiers*, elder Brother unto the ſaid Duke; and "divers more of the like kind to his Kindred and Allies: whereby the "Noble Barons of *England*, ſo well deſerving in themſelves, and in their "Anceſtors, have been much prejudiced, and the Crown diſabled to re- "ward extraordinary Virtues in future times with Honour; while the "ſmall eſtates of thoſe for whom ſuch unneceſſary advancement hath been "procured,

An. 1626. procured, are apparently likely to be more and more burthenſome unto the King, notwithſtanding ſuch Annuities, Penſions, and Grants of Lands annexed to the Crown, of great value, which the ſaid Duke hath procured for thoſe his Kindred, to ſupport theſe their Dignities.

His imbezeling and ingroſſing the Kings Money and Lands.

XII. He the ſaid Duke not contented with the great Advancement formerly received from the late King, of famous memory, by his procurement and practiſe, in the Fourteenth year of the ſaid King, for the ſupport of the many Places, Honors, and Dignities conferred on him, did obtain a Grant of divers Mannors, parcel of the Revenue of the Crown, and of the Dutchy of *Lancaſter*, to the yearly value of One thouſand ſix hundred ninety ſeven pounds two ſhillings half-penny farthing, of the old Rent, with all Wood, Timber, Trees, and Advowſon; part whereof amounting to the ſum of Seven hundred forty ſeven pounds thirteen ſhillings four pence, was rated at Two and thirty thouſand pounds, but in truth of a far greater value. And likewiſe in the Sixteenth year of the ſame Kings Reign, did procure divers other Manors annexed to the Crown of the yearly value, at the old Rent, of Twelve hundred pounds, or thereabouts, according as in a Schedule hereunto annexed appeareth: In the Warrant for paſſing of which Lands, he, by his great favour, procured divers unuſual Clauſes to be inſerted, (*viz.*) That no Perquiſites of Courts ſhould be valued, and that all Bayliffs Fees ſhould be repriſed in the particulars upon which thoſe Lands were rated; whereby a preſident hath been introduced, which all thoſe who, ſince that time, have obtained any Lands from the Crown, have purſued to the damage of his late Majeſty, and of our Sovereign Lord the King that now is, to an exceeding great value. And afterwards he ſurrendred to his Majeſty divers Mannors and Lands, parcel of thoſe Lands formerly granted unto him, to the value of Seven hundred twenty three pounds eighteen ſhillings and two pence half-penny, *per annum*; in conſideration of which ſurrender, he procured divers other Lands of the ſaid late King to be ſold and contracted for, by his own Servants and Agents, and thereupon hath obtained grants of the ſame, to paſs from his late Majeſty, to ſeveral perſons of this Kingdom, and hath cauſed Tallies to be ſtricken for the Money, being the conſideration mentioned in thoſe Grants in the Receipt of the Exchequer, as if any ſuch Moneys had really come to his Majeſty's Coffers; whereas the Duke (or ſome other by his appointment) hath indeed received the ſame ſums, and expended them upon his own occaſions. And notwithſtanding the great and ineſtimable gain by him made by the ſale of Offices, Honours, and by other Suits by him obtained from his Majeſty, and for the countenancing of divers Projects, and other Courſes, burthenſome to his Majeſty's Realms, both of *England* and *Ireland*; the ſaid Duke hath likewiſe, by his procurement and practiſe, received into his hands, and diſburſed to his own uſe, exceeding great ſums, that were the Monies of the late King of famous memory, as appeareth alſo in the ſaid Schedule hereunto annexed: And the better to colour his doings in that behalf, hath obtained ſeveral Privy Seals from his late Majeſty, and his Majeſty that now is, warranting the payment of great ſums to perſons by him named, cauſing it to be recited in ſuch Privy-Seals, as if thoſe ſums were directed for ſecret Services concerning the State, which were notwithſtanding diſpoſed of to his own uſe; and other Privy-Seals by him have been procured for the diſcharge of thoſe perſons without account; and by the like fraud and practiſe, under colour of free Gifts from his Majeſty

A B C D E F

2 Caroli.

Majeſty, he hath gotten into his hands great ſums which were intended by his Majeſty to be disburſed for the preparing, furniſhing and victualling of his Royal Navy; by which ſecret and colorable devices the conſtant and ordinary courſe of the Exchequer hath been broken, there being no means by matter of Record to charge either the Treaſurer or Victualler of the Navy with thoſe ſums which ought to have come to their hands, and to be accompted for to his Majeſty; and ſuch a confuſion and mixture hath been made between the Kings Eſtates and the A Dukes as cannot be cleared by the Legal Entries and Records, which ought to be truly and faithfully made, and kept, both for the ſafety of his Majeſties Treaſure, and for the indempnity of his Officers and Subjects whom it doth concern. And alſo in the ſixteenth year of the ſaid King, in the Twentieth year of the ſaid King, he did procure to himſelf ſeveral Releaſes from the ſaid King of divers great ſums of Money of the ſaid King by him privately received, and which he procured, that he B might detain the ſame for the ſupport of his Places, Honors and Dignities. And theſe things, and divers others of the like kind, as appeareth in the Schedule annexed, hath he done, to the exceeding diminution of the Revenue of the Crown, and in deceit both of our Sovereign Lord the King that now is, and of the late King *James* of famous memory, and to the detriment of the whole Kingdom.

Before Mr. *Sherland* entred to open and enlarge upon the Twelfth C Article, he diſcourſed in general concerning Honors, mentioned in the preceding Article, and ſpake as followeth.

My Lords,

D "IT hath pleaſed God (who hath the diſpoſing even of all things in his "hands) to caſt this ſervice now upon me, who did formerly my en- "deavor to decline it, conſidering the weightineſs of the buſineſs, the "greatneſs of this preſence, and my manifold defects, beſt known to my "ſelf: But another that ſhould have with better contentment, I doubt "not, performed this ſervice, being fallen now ſick, there is a neceſſity "impoſed on me by the Houſe of Commons, wherein I ſhall be very plain "and ſhort, according to the warning I had; yet I ſhall deal plainly and E "faithfully, according to the ſence of that Houſe by whoſe command I "now appear: And ſince I am now thruſt as a Buſh into the Gap, I hope "your Lordſhips will not expect ſuch a compoſure and ſtrength of Speech "which you have had from others of my Companions. The Subject that "falls to my Lot to ſpeak of before your Lordſhips, are *Honor* and *Juſtice*, "two great Flowers of the Crown: I confeſs my ſelf exceeding unfit and "unable to ſpeak of theſe Points before ſo great an Aſſembly of ſuch "Perſons of ſo great Honor, and ſuch ſuperior Judges of this Kingdom; F "but I muſt take my Lot: It pleaſeth your Lordſhips, as in Sphere to "take knowledge of the Grievances preſented by the Commons Houſe "which I deſire and hope your Lordſhips will not take preſumption.

"May it pleaſe your Lordſhips, the parts of this Charge, as you "diſcern upon the reading of it, are two; the one general, the other "particular: The general is, perverting the antient and noble courſe of

An. 1626.

Mr. *Sherland* enlargeth the Ninth Article.

" attaining to the Titles of Honor. 2. The other, the compulſion or " inforcement of Men unwilling to purchaſe Honor.

" For the firſt by way of Proteſtation, I am commanded by the Houſe " of Commons, to ſay, that they repine not at their advancement upon " whom thoſe Honors were conferred, but they think them worthy " thereof; yet they wiſh, for their ſakes, and the ſafety of this Nation, " their vertues had ſolely raiſed them, and that they had not been forc'd " and conſtrained to contribute to this bottomleſs Gulf to attain their " Titles. A

" They complain again of this unworthy way brought in by this great " man, they fall upon this in this manner, and found the Evils under " which the Commonwealth ſuffers, and the cauſes of them being two " principal Evils, which are the decay and ſtopping of the Trade, and " the determination of Honor. In examination of which ſecond Evil, " the Trade and Commerce of Honor, we have, as the Commons do, " receive, *confitentem reum*: For he endeavouring to colour the matter, " ſays for himſelf, That he was not the only introducer and firſt bringer B " in of this; but they find that he was the firſt that defiled this Virgin " of Honor ſo publickly, making an account, that all things and perſons " ſhould ſtoop and ſubject themſelves to his vain deſires and extrava- " gancy. Now that this commerce of Honor is an offence; then to " prove what kind of offence it is, is the only thing I ſhall trouble your " Lordſhips with.

1. " And firſt that it is an offence, I ſhall draw my firſt Argument " from the *Nature of Honor*; Honor is a Beam of Virtue; now this Ho- C " nor can be no more fixed upon an undeſerving Perſon for Money, than " fire can be ſtruck out of a ſtick.

2. " From the *Subject of Honor*, which is Merit, for the which no price " ought to be paid to any great Man by any undeſerving perſon for the " ſame, but their own merit and deſert.

Then he paſſed to the Grievances which are cauſed by the ſelling of Titles, and they are Three. D

1. "Firſt, it is prejudicial to the Noble Barons of this King- " dom.
2. " To the King, by diſabling him to reward extraordinary ver- " tues.
3. " To the Kingdom, which comprehends both Kings, Lords, and " People.

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" For the firſt, he ſaid, He would not trouble their Lordſhips with " recital, how antient, how famous the Degree of Barons hath been in " theſe Weſtern Monarchies; He ſaid, the Baronage of *England* hath " longer upheld that Dignity; and doth yet retain a greater height " than in any other Nation; they are great Judges, a Court of the laſt " reſort, they are great Counſellors of State, and not only for the " preſent, but as Law-makers, Counſellors for the time to come; and " this not by Delegacy and Commiſſion, but by Birth and inheritance; F " So that when any man ſhall be made a Member of this great Bo- " dy, who is not qualified for the performance of ſuch noble Functi- " ons, it muſt needs be a prejudice to the whole body, and diſhonor " to the head. As if a little water be put into a great Veſſel of " Wine,

2 *Caroli.*

"Wine, as it receives Spirit and ſtrength from the Wine, ſo it doth "impart ſome degrees of its own infirmity and coldneſs to the "Wine.

"Secondly, It is prejudicial to the King; not that it can diſable him "from giving Honor (for that it is a power inſeparable) but by making "Honor ordinary, it becomes as an incompetent reward for extraor- "dinary virtue; when Men are noble, they are taken out of the Preſs A "of the common ſort, and how can it chuſe but fall in eſtimation, if "Honor it ſelf be made a Preſs?

"Thirdly, It is prejudicial to the Kingdon; the Stories and Records "are full of the great aſſiſtance which the Crown hath received from "the Barons, both in Foreign and Domeſtique Actions, not only by their "own perſons, but by their Retinue and Tenants, and therefore they "are called by *Bracton*, *Robur Belli*; how can we now expect the like "from ſuch as have no Tenants and are hardly able to maintain them- B "ſelves?

"But this is not all; for the prejudice grows not primitively by de- "fect of that aſſiſtance which they might give the State, but poſitively "they have been a great burthen to the Kingdom by Gifts and Penſions "already received, and yet ſtand in need of more for the future ſupport "of their Dignities. This makes the Dukes offence the greater, that "in this weakneſs and Conſumption of the Commonwealth, he hath "not been contented alone to conſume the Publick Treaſure, (which is C "the Blood and Nouriſhment of the State) but hath brought in others "to help him in this work of Deſtruction. And that they might do it "more eagerly by inlarging their Honors, he hath likewiſe enlarged "their Neceſſities; and their Appetites. He did ſecond his Charge "with two Preſidents; The Firſt, 28 *Hen.* 6. in the Complaint againſt "the Duke of *Suffolk*, in the one and thirtieth Article of that Complaint "this was one of his Charges, that he *William de la Pool*, Duke of *Suf-* "*folk*, had procured one who had Married his Niece, to be made Earl "of *Kendal*, and obtained for him One thouſand pounds *per annum* in D "the Dutchy of *Guienne*; and yet this Party was the Son of a Noble "and well-deſerving Father. So you ſee this is no new thing for the "Houſe of Commons to complain, that thoſe that are near the King "ſhould raiſe their Kindred to an unneceſſary Honor; and if that were "worthy of puniſhment for advancing of one, then what puniſhment "is he worthy of that hath advanced ſo many?

"The ſecond Preſident is 17 *Edw.* 4. There paſſed an Act of Parlia- "ment for the degrading of *John Nevil*, Marquis *Montague*, and Duke E "of *Bedford*; the reaſon expreſſed in the Act is, becauſe he had not a "Revenue ſufficient for the maintaing of that Dignity; to which is "added another reaſon of that nature, that when Men of mean birth "are called to a high Eſtate, and have not livelyhood to ſupport it, it in- "duceth great poverty, and cauſeth Briberies and Extortions, Imbrace- "ries and Maintenance.

"And now my Lords, how far theſe Reaſons ſhall lead your Judg- F "ments in this Caſe, I muſt leave it to your Lordſhips.

Then he read the Twelfth Article, being the ſecond part of his Charge; The Title whereof was, the Exhauſting, Intercepting, and Miſimploying the Kings Revenues.

An. 1626 "My Lords, This Article conſiſts of ſeveral Clauſes, which in "ſome reſpects may be called ſo many diſtinct Charges; for though they "all tend to one end and ſcope, the diminiſhing the King's Treaſure, yet "it is by divers ways, ſo that every Clauſe is a particular Branch. "Therefore he deſired to break it into parts, and to ſelect the moſt ma- "terial, either in point of offence or grievance, intending to paſs through "them with this order; firſt, to declare the ſtate of the proof, and then "to add ſuch reaſons and inforcements as he did conceive moſt conduce- "able to that Judgment which the Commons were to expect from their A "Lordſhips.

He made two main Branches of this Article. The firſt concerns Lands obtained from the Crown; the ſecond concerns Money in Penſions, Gifts, Farms, and other kind of profit.

Touching the Lands he obſerved four things, B

"1. The ſum of three thouſand thirty five pounds *per annum* of old "Rent, beſides the Forreſt of *Layfield* of which we have no value, and we "can find no Schedule granted by the late King to my Lord of *Bucking-* "*ham* within ten years paſt, as appeareth by the ſeveral Grants vouch- "ed in the Schedule annexed; and it was in it ſelf a great grievance, "that in a time of ſuch neceſſity, when the Kings Revenues are not able "to ſupport ſuch a great charge, that ſo much Land ſhould be conveyed "to a private man: this he acknowledged was not the Dukes caſe alone, C "for others had received divers Grants from the King, but none in ſo "great meaſure.

"And becauſe the Commons aim not at Judgment only, but at Re- "formation, he wiſhed, that when the King ſhould beſtow any Land for "ſupport of Honors, that the caution which was wont to be carefully "obſerved might again return into uſe; that is, to annex thoſe Lands "to the Dignity, leſt being obtained and waſted, the Party repair to the "King for a new ſupport; by which proviſion the Crown will reap this D "Benefit; that as ſome Lands go out of new Grants, others will come "in by ſpent Intails.

"He ſaid he would not trouble their Lordſhips with repetition of "the Laws heretofore made for preventing the alienation of the Kings "Lands, and for reſuming thoſe that had been alienated, nor of the Or- "dinances made in this high Court for the ſame purpoſe, and Fines ſet "upon thoſe that preſumed to break ſuch Ordinances; he only added "as a further enforcement of the Grievance, that when the Kings Re- E "venues be unable to defray publick neceſſities, the Commons muſt "needs be more burthened with Supplies.

"2. His ſecond Point was, the unuſual Clauſes which the Duke by "his greatneſs hath procured to be inſerted into the Warrants for paſſing "of thoſe Lands, of which two were mentioned; the firſt, That the "caſual profits ſhould not be rated in the particulars; the ſecond, That F "all Bayliffs Fees ſhould be reprized: Both which are to be proved by "the Warrants remaining with the Auditors of the Rates, and other Au- "ditors; whereupon he preſented theſe Conſiderations.

"Firſt, That it was a mark of Ingratitude and Inſatiableneſs in the "Duke, thus to ſtrain the Kings Bounty beyond his intention; and that

"he

2 *Caroli.*

" he would not receive this Bounty by the ordinary way, but by the " way of practice.

" Secondly, it argued unfaithfulneſs in him, that being a ſworn " Counſellor, he ſhould put the King into ſuch Courſes of ſo much pre- " judice, deceitfully, in concealing the value of that which he bought; " ſo that the King gave he knew not what; For under the proportion A " of Two thouſand pounds, he gives it may be Four thouſand pounds. " And by this the King did not only ſuſtain great loſs for the preſent, but " it opened a way of continual loſs, which hath ever ſince been purſued " by all thoſe who have paſſed Lands from the Crown.

" Thirdly, the King is hereby not left Maſter of his own Liberali- " ty, neither in proportion nor certainty; for it might ſo fall out, " that the Quantity paſſed from him, might be treble to that he in- B " tended.

" 3. The third was, *The Surrender of divers parcels of theſe Lands back " to the King, after he had held them ſome years, and taking others from the " King in exchange.* Where he noted,

" That the beſt of the Lands and moſt vendible being paſſed away, " the worſt lay upon the Kings hand; that if he ſhould have occaſion to " raiſe Money by ſale of Lands, that courſe is not like to furniſh him. C " Beſides, that in the mean time betwixt the Grants and the Surrenders, " opportunity was left to the Duke to cut down Woods, to enfranchiſe " Copyholds, to make long Leaſes, and yet the old Rent remaining ſtill, " the Land may be ſurrendred at the ſame value. Whether this have " been practiſed, he could not affirm, not having had time to examine " it; yet he deſired the Lords to enquire after it, the rather for that the " Mannor of G. in *Lincolnſhire* being diſmembred, and Seventeen pounds " of the old Rents ſold out of it, was by a Surrender turned back upon D " His Majeſty,

" 4. The fourth point of this Branch was, The colourable Tallies " divers parcels of theſe Lands had from the Crown in lieu of this Sur- " render, being ſold and contracted for by his own Agent, and the Money " received by himſelf or to his uſe, and yet Tallies were ſtricken out, as " if it had really come to the Exchequer for His Majeſties Service. This " is to be proved by his own Officers, by the Officers of the Exchequer, " and by the Tallies themſelves, which Tallies amount unto 20563 *l.* " 16 *s.* 8 *d.* Whence he obſerved, E

" Firſt, That there ran a trade of Falſhood toward the King through- " out all this his dealing,

" Secondly, that this was a Device thought upon to prevent the wiſ- " dom of Parliament; for by this means the Grant ſeems to have the face " of valuable purchaſes, whereas they were indeed free Gifts.

" Thirdly, If the Title of thoſe Lands ſhould prove queſtionable, " it appearing by Record, as if the King had received the Money, he " was bound in Honor to make reſtitution, and yet the Duke had the F " profit.

" But it may be ſaid, This was the Purchaſers deſire for their own " ſecurity. Of which objection he made this uſe, That the Subjects ge- " nerally took notice of ſo much Lands given to the Duke, that there is " good cauſe to expect a Reſumption.

" In

An. 1626.

"In the ſecond general branch of this Article concerning Money, "the firſt point obſerved was, the total ſum received by him in ten "years ſpace, amounting to 162995. *l.* beſides the Grant he hath of the "Overplus above three thouſond pounds *per annum* to be made of the "Third impoſed upon Strangers Goods, and beſides the Moyety of "Seven thouſand pounds out of the Cuſtoms of *Ireland* which he is "bound to pay to the King; but whether it hath been paid, or no, is "doubtful. A

"This he delivered as a Sum Eſtimative, yet ſo computed as it may "be more, but no leſs. And this total ariſeth by free Gifts or Penſions "to himſelf, elſe by profit of Farms, by Penſions to others; for "Offices, whereof he received the profit, as the *Admiralty*, and *Ma-"ſterſhip of the Horſe*. All which appear by a Schedule annexed to his "Charge.

"The Grievances conſiſt in this; That the Common-wealth hath "been bereaved of the uſe and employment of ſo Publick Treaſure in a B "time of as great want, and great occaſions in this State, as it hath had "in many Ages, when the expences of the Kings Court can hardly be "ſupplied, when his Houſe and Caſtles were unfurniſhed, when the Seas "have been unguarded, the Coaſt ſubject to the incurſion and ſpoil of "Enemies by default of Proviſion in the Navy, to the diſhonor of the "Nation, and damage of the Subjects, and hazard of the whole. And "the offence is this, that the wants in the Navy and Stores being with-"in his own Charge, he was no more ſenſible of them; whereby it ap- C "pears, he preferred the ſerving of his own turn before his Duty and "before the ſafety of this State.

"The ſecond point obſerved in this branch, was, That the Duke "under pretence of ſecret ſervices, had procured great ſums of Money "to be iſſued by Privy-ſeals to ſundry perſons named by himſelf, but "afterward employed to his own uſe. Hereof two Inſtances are pro-"pounded: the one of eight thouſand pounds paid to Sir *Robert Pye*, 12 D "*Aug.* 1610. and by him diſburſed for the Dukes purchaſe of *Burleigh*, "and Sir *Robert Pye* diſcharged by another Privy Seal, 4 *Junii* following. "The ſecond inſtance is of ſixty thouſand pounds paid to *Burlimach* by a "Privy-Seal, in *September* 1625. Which time they rather noted, becauſe "the Parliament at *Oxford* was broken up a little before out of diſcon-"tent that the King was not ſupplyed for the ſetting out of the Fleet, "which would have been done with a leſs ſum. For the proof of that E "the Houſe of Commons will offer to your Lordſhips Witneſſes.

"The quality of this offence he left to their Lordſhips judgment; "yet propounding ſome things by way of enquiry, from whence it might "receive meaſure and proportion. 1. Whether it had not affinity with the "Crime in the Civil Law, called *Crimen peculatus*; which was when a man "did unjuſtly turn to his own uſe that Money which was either *Sacra*, "dedicated to Gods Service religiouſly; or *religioſa*, uſed about Funerals "and Monuments of the Dead; or *publica*, of which kind the matter now "in queſtion is? And this offence by that Law was Death and Confiſca- F "tion of Goods and Eſtate. Which he notes the rather, that their Lord-"ſhips might perceive, that in the wiſeſt State the Publick Treaſure was "held in the ſame reputation with that which was dedicated to God and "Religion. 2. And whether it doth not reſemble another Crime in the "ſame Law termed *Crimen falſi*, and is defined to be when a man ſhall

"*imi-*

2 *Caroli.*

"*imitatione veri ſuum compendium alieno diſpendio per dolum facere*, by "ſemblance of truth make gain to himſelf of other mens loſſes: Which "in the caſe of a Bondman was death, and in caſe of another man baniſh- "ment and Confiſcation, or otherwiſe very penal, as the Judges ſhould "find cauſe of moderation, or rigor, in the nature and circumſtances of "the Fact. 3. Whether their Lordſhips will eſtimate it according to any "Sentences in the *Star-chamber*, which have been very frequent in caſes "of Fraud: or according to the Common-Law, which ſo much deteſts "this kind of dealing, as that they term it *Covin*, and make it vitiate, ordi- "nary and lawful actions. Or laſtly, whether they will Meaſure it by "that Judgment which the Duke hath paſs'd againſt himſelf in the guilt "of his own Conſcience? (Direct Actions are not afraid to appear open- "faced; but Injuſtice and Fraud deſire to be masked with ſubtily and "cloſeneſs.) It were offence enough, if there were no more but a cun- "ning concealing of unthankfulneſs to hide his Majeſties bounty; or guilt "of unworthineſs, as if he durſt not avow the receit of that which he hath "not merited; both which proceed from *Malum culpæ*, or elſe that other "kind of guilt which proceeds from *Malum pœnæ*, the fear of puniſhment "foreſeeing this Inquiſition into his actions, and hoping, under this diſ- "guiſe of Publick ſervice, to Eſcape their Lordſhips cenſure.

"The third point in this branch is, That he hath received ſundry "ſums of money intended for the maintenance of the Navy: whereof "there are two inſtances: the one whereof is 20000 *l.* the other of 30000 *l.* "both in *January* 1624. By Privy-Seal, by the which theſe ſums are iſſu- "ed, they appear to be Free gifts: But by the affirmation of ſome in an- "ſwer for the Duke, it hath been ſaid, He was only the hand to convey "them to the Treaſury of the Navy. If the truth be according to the "Privy-ſeal, they are to be added to the former total as parcel of his own "gain: If according to that allegation, it may prove a preſident of greaer "damage to the King, than the money is worth; for by this way his Ma- "jeſty hath no means by matter of Record to charge the Treaſurer of "the Navy with theſe ſums, and may loſe the benefit of the Act of Par- "liament 13 *Eliz.* whereby Accomptants Lands are made liable to the "payment of their Debts to the King, and in many caſes may be ſold for "his Majeſties ſatisfaction. The Treaſurer of the Navy is a worthy man, "but if he ſhould dye, the King loſeth the benefit.

"The fourth point of this branch is, That he hath cauſed ſo great a "mixture and confuſion between the Kings Eſtate and his own, that they "cannot be diſtinguiſhed by the Records and Entries which ought to be "kept for the ſafety of his Majeſties Treaſure, and indempnity of the "Subject. This is proved in divers inſtances, whereof the laſt alledged "is one, and others follow.

"By the wiſdom of the Law in the conſtitution of the *Exchequer*, "there be three Guards ſet upon the Kings Treaſure and Accompts. "The firſt is a legal Impignoration, whereby the Eſtates perſonal and "real of the Accomptants are made liable to be ſold for the diſcharge of "their debts which I mentioned before. The ſecond an apt Control- "ment over every Office; by which the King relies not upon the indu- "ſtry and honeſty of any one man; but if he fail in either, it may be "diſcovered by ſome other ſworn to take notice of it, and either to "correct his errors, or amend his Faults. The third is, a durable Evi-

"dence

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"dence and Certainty, not for the preſent time only, but for perpetuity "becauſe the King can neither receive, or pay, but by Record.

"All theſe Guards have been broken by the Duke, both in the Caſes "next before recited, and in theſe which follow. The cuſtom of the *Ex-* "*chequer* is the Law of the Kingdom, for ſo much as concerneth the "King's Revenue. Every breach of a Law by a particular offence, is "puniſhable; but ſuch an offence as this, being deſtructive of the Law "it ſelf, is of a far higher nature.

A

"The fifth point of this ſecond branch, is concerning two Privy-ſeals "of Releaſe; the one *16*, the other 20 *Jac.* whereby this Duke is diſ- "charged of divers ſums ſecretly received to his Majeſties uſe, but by "virtue of theſe Releaſes to be converted to the ſupport of his own "Eſtate. The proof hereof is referred to the Privy-ſeals themſelves. "From which he made one obſervation, of the ſubtilty he uſed to wind "himſelf into the poſſeſſion of the King's Money, and to get that by cun- "ning ſteps and degrees, which peradventure he could not have obtain- B "ed at once. A good Maſter will truſt a Servant with a greater ſum that "is out of his Purſe, then he would beſtow upon him being in his Purſe; "and yet after it is out of his hands, may be drawn more eaſily to make "a Releaſe, than at firſt to have made a Free gift. This is a proper in- "ſtance to be added to the proof of the point of mingling his own Eſtate "with the Kings; and of the ſame kind be other particulars mentioned "in the Schedule, though not expreſſed in the Charge; as Twenty "thouſand pounds received in Compoſition for the Earl of *M.* his C "Fine, which cannot be diſcovered whether part or all be converted "to the Dukes benefit, and yet it appears by a Private-ſeal to be clear- "ly intended to the King's own ſervice for the Houſhold and Ward- "robe, till by the Dukes practice it was diverted into this cloſe and "by-way.

"Another inſtance in this, is, His endeavor to get the Money which "ſhould be made of Prize-goods into his own hands; and for this pur- "poſe, he firſt laboured to procure that his man *Gabriel Marſh* might re- D "ceive it; and when it was thought fit ſome partner ſhould be joyned "with him, trial was made of divers, but none of any credit would un- "dertake the charge with ſuch a Conſort. And the Commons have rea- "ſon to think there was good cauſe of this refuſal; for he is ſo ill an Ac- "comptant, that he confeſſed in their Houſe (being examined) that by "authority from the Duke he received divers bags of gold and ſilver "out of the S. *Peter* of *Newhaven*, which he never told.

"When this practice of imploying his own man would take no effect, E "then he procured a Commiſſion from Sir *William Ruſſel*, who is indeed "without exception an able and worthy Officer; but that is not enough "for the King's ſecurity; For however he was to receive the money, it "was to be diſburſed by and to the Duke's warrant and profit. Which "Clauſe hath been altered ſince this was queſtioned in Parliament; and "now it is to be iſſued from an immediate Warrant from his Majeſty: "But as it was before, it may be noted as an incroachment upon the "Office of my Lord Treaſurer, whereby he might make a more eaſie way F "to ſome ſiniſter end of his own; ſo that upon the matter, Sir *William* "was but a ſafeguard of the Money for the Duke himſelf. And this "I muſt note of ſome guilt in the very act of it.

The

2 *Caroli.*

"The laſt point upon this whole Charge, was a reduction of the va-
"lue of the Land, together with the Money into one total, and to that
"purpoſe he rated the Land, being valued at a reaſonable value, at fourty
"years purchaſe; for although ſome of it was ſold for thirty, yet a
"great part was worth more than a hundred years purchaſe, ſo as forty
"years is conceived to be an eaſie *Medium*; at this rate, 3035 *l.* amount-
"eth to 121400 *l.* which being added to the total of the Money receiv-
A "ed, 162995 *l.* both together make the ſum of 284395 *l.* beſides the Fo-
"reſt of *Leyfield*, and beſides the profit made out of the thirds of Stran-
"gers Goods, and the Moiety of the profit made out of the Cuſtoms of
"*Ireland*.

"This is a great ſum in it ſelf, but much greater by many Circum-
"ſtances; if we look upon the time paſt, never ſo much came into any
"private mans hands out of the publick Purſe; if we reſpect the time
"preſent, the King never had ſo much want, never ſo many Forreign oc-
B "caſions, important and expenſive; the Subjects have never given great-
"er ſupplies, and yet thoſe ſupplies unable to furniſh theſe expences. But
"as the Circumſtances make the ſum greater, ſo there be other Circum-
"ſtances which make it leſs, if it be compared with the ineſtimable gain
"he hath made by the ſale of Honours and Offices, and by projects hurt-
"ful to the State, both of *England* and *Ireland*; or if it be compared to
"his profuſion, it will appear but a little ſum. All theſe gifts, and o-
"ther ways of profit, notwithſtanding he confeſt before both Houſes of
C "Parliament, that he was indebted 100000 *l.* If this be true, how can
"we hope to ſatisfie his prodigality? if falſe, how can we hope to ſa-
"tisfie his covetouſneſs? and therefore their Lordſhips need not won-
"der, if the Commons deſire, and that earneſtly, to be delivered from
"ſuch a Grievance.

"That this complaint and proceedings of theirs may appear to be ſui-
"table to the proceedings of their Predeceſſors in like caſes; he alledged
"three Preſidents, which he ſaid were Preſidents in kind, but not in
D "proportion, becauſe there hath never been the like.

"The firſt, 10 *Rich.* 2. in the complaint againſt *Michael de la Pool*, Earl
"of *Suffolk*; out of which he took three Articles: the firſt, That being
"Chancellor, and ſworn to the King's profit, he had purchaſed divers
"lands from the King, more than he had deſerved, and at under rate;
"yet this was thought to be an offence againſt the State.

"The ſecond, That he had bought of one *Tydman* an Annuity of Five
"hundred pound *per annum*; which Grant was void by the Laws, yet he
E "being Chancellor, procured the King to make it good by a new Grant,
"upon ſurrender of the old. This was complained of in Parliament, and
"there puniſhed.

"The third, Whereas the Maſter of St. *Anthony*'s, being a Schiſmatick,
"had forfeited his Poſſeſſions into the King's hand; this Earl took
"them in Farm at Twenty Marks a year, converting the overplus, which
"was One thouſand Marks, to his own profit, which would have come
"to the King.

F "The next Preſident, 11 *Rich.* 2. in the Judgment againſt *Robert de*
"*Vere* of *Oxford*, and others; out of which he took two Articles, the
"Fifth and Seventh: The Fifth was for taking Manors and Lands an-
"nexed to the Crown, whereby they themſelves were enriched, and the
"King made poor. The Seventh was for intercepting the Subſidies
"granted for the defence of the Kingdom.

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"The third Prefident is that of 28 *Hen.* 6. in the Parliament-Roll, "out of the complaint againſt *William de la Pool*, Duke of *Suffolk*, Article "29. That he being next and primeſt of Council to the King, he had pro- "cured him to grant great Poſſeſſions to divers perſons, whereby the "King was much impoveriſhed, the expence of his Houſe unpaid, Wages, "Wardrobe, Caſtles, Navy, Debts, unſatisfied; and ſo by his ſubtil "Council, and unprofitable Labour, the Revenues of the Crown, and "the Dutchy of *Lancaſter*, and other the King's Inheritances, ſo much "diminiſhed, and the Commons of the Kingdom ſo extremely charged, "that it was near to a final deſtruction. A

"The Fourth was, That the King's Treaſure was miſchievouſly diſtri- "buted to himſelf, his Friends and well-willers; ſo that for lack of Mo- "neys, no Army, nor Ordnance, could be provided in time; and becauſe "theſe great perſons were not brought to judgment upon theſe Articles "alone, but for other miſdemeanors, he made this obſervation, That "ravening upon the King's Eſtate, is always accounted with other B "great faults that deſerve judgment.

Then he ſaid, he had done with that which had been left to him; and ſo he left the Duke to their Lordſhips Juſtice, That as he had exceeded others in this offence, ſo he might not come behind them in puniſhment. And ſo he humbly deſired their Lordſhips to be pleaſed to pardon his Delivery, and to give a favourable cenſure of him.

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Laſtly, The thirteenth Article was read.

XIII. Whereas ſpecial care and order hath been taken by the Laws of the Realm, to reſtrain and prevent the unskilful Adminiſtration of Phyſick, whereby the health and life of Men may be much endangered And whereas moſt eſpecially, the Royal Perſons of the Kings of the Realm, in whom, we their Loyal Subjects humbly challenge a great intereſt, are, and always have been eſteemed by us ſo ſacred, that nothing ought D to be prepared for them, or adminiſtred unto them in the way of Phyſick or Dyet, in the times of their ſickneſs, without the conſent and direction of ſome of their ſworn Phyſitians, Apothecaries, or Chyrurgeons. And the boldneſs of ſuch (how near ſoever to them in place and favour) who have forgotten their duties ſo far, as to preſume to offer any thing unto them beyond their experience, hath been always ranked in the number of high Offences and Miſdemeanors. And whereas the ſworn Phyſicians of our late Sovereign Lord King *James*, of bleſſed memory, at- E tending on his Majeſty in the month of *March*, in the Two and twentieth year of his moſt glorious Reign, in the times of his ſickneſs, being an Ague, did, in due and neceſſary care of, and for the recovery of his health, and preſervation of his Perſon, upon, and after ſeveral mature Conſultations in that behalf had and holden, at ſeveral times in the ſame moneth, reſolve and give directions, That nothing ſhould be appli'd or given unto his Highneſs, by way of Phyſick or Diet, during his ſaid ſickneſs, but by, and upon, their general advice and conſents, and after good deliberation F thereof firſt had, more eſpecially by their like care, and upon like conſultations; did juſtly reſolve, and publickly give warning to, and for all the Gentlemen, and other Servants and Officers of his ſaid late Majeſty's Bed-Chamber, That no Meat or Drink whatſoever ſhould be given unto him, within two or three hours next before the uſual time of, and

2 Caroli.

and for the coming of his Fit in the ſaid Ague, not during the continuance thereof, nor afterwards, until his cold Fit were paſt. The ſaid Duke of *Buckingham*, being a ſworn Servant of his ſaid late Majeſty, of and in his Majeſty's ſaid Bed-chamber, contrary to his duty, and the tender reſpect which he ought to have had of his Majeſty's moſt Sacred Perſon; and after the Conſultations, Reſolutions, Directions, and Warning aforeſaid, did nevertheleſs, without any ſufficient warrant in that behalf, unduly cauſe, and procure certain Plaiſters, and a certain Drink or Potion to be provided for the uſe of his ſaid Majeſty, without the direction or privity of his ſaid Majeſty's Phyſicians, not prepared by any of his Majeſty's ſworn Apothecaries or Chyrurgeons, but compounded of ſeveral Ingredients to them unknown. Notwithſtanding the ſame Plaiſters, or ſome Plaiſter like thereunto, having been formerly adminiſtred unto his ſaid Majeſty, did procure ſuch ill effects, as that ſome of the ſaid ſworn Phyſicians did altogether diſallow thereof, and utterly refuſed to meddle any further with his ſaid Majeſty, until theſe Plaiſters were removed as being hurtful and prejudicial to the health of his Majeſty; yet nevertheleſs the ſame Plaiſters, as alſo a Drink or Potion, was provided by him the ſaid Duke; which he the ſaid Duke, by colour of ſome inſufficient and ſlight pretences, did upon *Monday*, the one and twentieth day of *March*, in the two and twentieth year aforeſaid, when his Majeſty, by the judgment of his ſaid Phyſicians, was in the declination of his diſeaſe, cauſe and procure the ſaid Plaid Plaiſters to be applied to the Breaſt and Wriſts of his ſaid late Majeſty. And then alſo at, and in his Majeſty's Fit of the ſaid Ague, the ſaid *Monday*, and at ſeveral times within two hours before the coming of the ſaid Fit, and before his Majeſty's then cold Fit was paſſed, did deliver, and cauſe to be delivered, ſeveral quantities of the ſaid Drink or Potion to his late Majeſty; who thereupon at the ſame times, within the ſeaſons in that behalf prohibited by his Majeſty's Phyſicians, as aforeſaid, did, by the means and procurement of the ſaid Duke, drink, and take divers quantities of the ſaid Drink or Potion.

After which ſaid Plaiſters, and Drink or Potion, applied and given unto, and taken and received by his ſaid Majeſty, as aforeſaid, great diſtempers and divers ill ſymptoms appeared upon his ſaid Majeſty; inſomuch that the ſaid Phyſicians finding his Majeſty the next morning much worſe in the eſtate of his health, and holding a Conſultation thereabout, did, by joynt conſent, ſend to the ſaid Duke, praying him not to adventure to miniſter to his Majeſty any more Phyſick, without their allowance and approbation. And his ſaid Majeſty himſelf finding himſelf much diſeaſed and affected with pain and ſickneſs, after his then Fit, when by the courſe of his Diſeaſe he expected intermiſſion and eaſe, did attribute the cauſe of ſuch his trouble unto the ſaid Plaiſter and Drink, which the ſaid Duke had ſo given, and cauſed to be adminiſtred unto him. Which ſaid adventurous act, by a Perſon obliged in duty and thankfulneſs, done to the Perſon of ſo great a King, after ſo ill ſucceſs of the like formerly adminiſtred, contrary to ſuch Directions as aforeſaid, and accompanied with ſo unhappy event, to the great grief and diſcomfort of all his Majeſty's Subjects in general, as an offence and miſdemeanor of ſo high a nature, as may juſtly be called, and is, by the ſaid Commons, deemed to be an act of tranſcendent preſumption, and of dangerous conſequence.

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The Thirteenth Article enlarged by Mr. *Wandesford.*

Mr. *Wandesford* deputed to enlarge and aggravate upon the Thirteenth Article, commended the charity and providence of that Law, which makes it penal for unskilful Empyricks, and all others, to exerciſe and practiſe Phyſick upon common perſons, without a lawful Calling and Approbation, branding them who thus tranſgreſs as *Improbos, Ambitioſos, Temerarios, & Audaces homines:* But he that without skill and calling ſhall direct a Medecine, which upon the ſame perſon had wrought bad effects, enough to have diſſwaded a ſecond adventure; and then when Phyſitians were preſent, Phyſicians ſelected for Learning and Art, prepared by their Office and Oaths, without their conſent, nay, even contrary to their Direction, and in a time unſeaſonable; he muſt needs (ſaid he) be guilty, albeit towards a common perſon, of a precipitate and unadviſed raſhneſs, much more towards his own Sovereign. And ſo pious are our ſelves to put the Subjects in mind of their duty towards their Princes, Perſons ſo Sacred, that in the attempt of a Mad-man upon the King, his want of Reaſon, which towards any of his fellow ſubjects might acquit him of Felony, ſhall not excuſe him of Treaſon. And how wary and adviſed our Anceſtors have been not to apply things in this kind to the perſon of a King, may appear by a Preſident, 32 *H.* 6. where *John Arundel*, and others the Kings Phyſicians and Chyrurgeons, thought it not ſafe for them to adminiſter any thing to the King's Perſon, without the aſſent of the Privy Council firſt obtained, and expreſs Licence under the great Seal of *England.*

This Medicine found his Majeſty in the declination of his diſeaſe, (and we all wiſh it had left him ſo) but his better days were ſhortly turned into worſe; and in ſtead of health and recovery, we hear, by good teſtimony (that which troubles the poor and loyal Commons of *England*) of great diſtempers, as Droughts, Raving, Fainting, an intermitting Pulſe, ſtrange effects to follow upon the applying of a Treacle Plaiſter. But the Truth is, Teſtimony tells us, that this Plaiſter had a ſtrange ſmell, and an invective quality, ſtriking the malignity of the diſeaſe inward; which Nature otherwiſe might have expelled outward. Add to this the Drink, twice given to his Majeſty, by the Duke his own hands, and a third time refuſed, and the following complaint of that bleſſed Prince, the Phyſitians telling him, to pleaſe him for the time, That his ſecond impairment was from cold taken, or ſome other ordinary cauſe: *No, no*, ſaid his Majeſty, *it is that which I had from Buckingham.* And though there be no Preſident (ſaid he) of an act offered to the Perſon of a King, ſo inſolent as this; yet it is true, that divers perſons as great as this, have been queſtioned and condemned for leſs offences againſt the Perſon of their Sovereign. It was an Article amongſt others laid againſt the Duke of *Somerſet*, for carrying *Edward* the Sixth away in the night time, out of his own head, but from *Hampton-Court* to *Windſor*; and yet he was truſted with the Protection of his Perſon. Preſidents failing us in this point, the Common Law will ſupply us. The Law judgeth a Deed done in the execution of an unlawful act, Man-ſlaughter, which otherwiſe would but have been Chance-medly; and that this act was unlawful, the Houſe of Commons do believe, as belonging to the Duty and Vocation of a ſworn and experimented Phyſician, and not the unskilfulneſs of a young Lord. And ſo precious are the lives of men in the eye of the Law, that though Mr. *Stanford* ſaith, If a Phyſician take one into his Cure, and he die under his hands; it is not Felony, becauſe he did it not

2 *Caroli.*

not feloniouſly. Yet it is Mr. *Bracton's* opinion, That if one that is no Phyſician or Chyrurgeon undertake a Cure, and the Party die under his hands, this is Felony. And the Law goeth further, making Phyſicians and Chyrurgeons themſelves accomptable for the Death of their Patients, if it appear they have tranſgreſſed the Rules of their own Art; that is, by undertaking a thing wherein they have no experience, or having yet failed in their care and diligence.

Laſtly, he ſaid, He was commanded by the Houſe of Commons to deſire their Lordſhips, that ſeeing the Duke hath made himſelf a Preſident in committing that which former Ages knew not, their Lordſhips will, out of their Wiſdom and Juſtice, make him an Example for the time to come.

The ſeveral Articles being thus enlarged and aggravated by the ſaid reſpective Members, Sir *John Elliot* was appointed to make the *Epilogue* to the Impeachment, who ſpake thus.

Sir *John Elliot's* Speech, concluding the Duke's Impeachment.

My Lords,

"YOur Lordſhips have heard, in the Labours of theſe two days "ſpent in this ſervice, a repreſentation from the Knights, Citizens "and Burgeſſes of the Commons Houſe of Parliament, of their ap- "prehenſion of the preſent evils and dangers of this Kingdom; of "the Cauſes of the ſame; and of the application of them to the Duke of "*Buckingham*, ſo clearly and fully, as I preſume your Lordſhips expect I "ſhould rather conclude, than add any thing to his Charge.

"Your Lordſhips have heard how his Ambition was expreſſed in pro- "curing and getting into his hands the greateſt Offices of Strength and "Power of this Kingdom; by what means he had attained them, and "how Money ſtood for Merit.

"There needs no Argument to prove this, but the common ſenſe of "the miſeries and misfortunes which we ſuffer; adding but one, the "Regality of our Narrow Seas, the antient Inheritance of our Princes, "loſt or impeached.

"This I need not further to preſs, but from hence my Obſervation "muſt deſcend to his other Virtues, and that by way of Perſpective: I "ſhall give it ſo near and ſhort, as rather to exerciſe your Lordſhips me- "mory, than to oppreſs your patience.

"Firſt, I propoſe unto your Lordſhips, the inward Character of the "Duke's mind, which is full of colluſion and deceit; I can expreſs it "no better than by the Beaſt, called by the Antients *Stellionatus*; a Beaſt "ſo blurr'd, ſo ſpotted, ſo full of foul lines, that they knew not what to "make of it: ſo do we find in this man's practice, who firſt inveagled the "Merchants, drawing them to *Deep* to be inthralled; then dealt deceit- "fully with the King to colour his offences, his deſign being againſt *Rochel* "and the Religion: Next with the Parliament, to diſguiſe his actions; "a practice no leſs dangerous and diſadvantageous to us, than prejudicial "to our Friends and Allies.

"Next, I preſent to your Lordſhips, the Dukes high oppreſſion, and "that of ſtrange latitude and extent, not to Men alone, but to Laws, and "Statutes, to Acts of Council, to Pleas and Decrees of Court, to the "pleaſure of his Majeſty, all muſt ſtoop to him, if they oppoſe or ſtand

"in

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"in his way. This hath been expreſſed unto you in the Ship called the "St. *Peter*, and thoſe of *Deep*; nay, he calls on the colour of his Maje- "ſty's great Name to ſhadow his deſign.

"It had been his duty, nay, the reſt of the place, not to have "tranſlated them into the hand of Strangers; that had his Majeſty "yielded in that point, the Duke ſhould have oppoſed it by his con- "tinual Prayers and Interceſſions, making known unto his Majeſty the "Inconveniences likely to enſue, and not to reſt there, but to have re- "ported it to your Lordſhips ſitting in Council, to have deſired and A "prayed your aid and aſſiſtance, in a matter of ſo great importance: "And if this had failed, he ſhould have entred into a Proteſtation a- "gainſt it. This hath been done by worthy Predeceſſors in that Of- "fice, and this hath been the worthy diſcharge of the great Truſt repo- "ſed in his place.

"I heard the Ships were returned, but I know it; but if I knew "ſo, this neither excuſeth, nor qualifieth the Duke's offence. The "French in this caſe are to be commended, not he excuſed; he left them B "in the hands of a Foreign Power, who when they once had them, for "any thing he knew, might eaſily have kept them.

"The third Head is, The Duke's Extortion, in exacting from the *Eaſt-* "*India* Company, without right or colour, Ten thouſand pounds, ex- "quiſitely expreſſed, and Mathematically obſerved by the Gentleman "(you know by whom employed) who, by his Marine experience, "learned this Obſervation, That if the Fleet gained not the Wind by "ſuch a time at the Cape, the Voyage was loſt. C

Here one of the Lords interpoſing privately, It was the King that employed him; Sir *John Elliot*, in the name of the Commons, makes this *Proteſtation*.

"Far be it from them to lay an *Odium* or Aſperſion on his Majeſty's "Name; they hold his Honour ſpotleſs, nor the leaſt ſhadow of blemiſh D "can fix upon him in this buſineſs.

"Next to the foul Extortion, is Bribery and Corruption in the ſale of "Honour and Offices of Command. That which was wont to be the "Crown of Virtue and Merit, is now become a Merchandiſe for the "greatneſs of this Man, and the Juſtice it ſelf made a prey unto him. All "which particulars your Lordſhips have heard opened, and enforced "with Reaſons and Proofs, what in themſelves they are; and therefore "I ſpare further to preſs them. E

"In the fifth place, I obſerve a wonder in Policy and in Nature, how "this Man, ſo notorious in evil, ſo dangerous to the State in his im- "menſe greatneſs, is able to ſubſiſt of himſelf, and keep a Being: To this "I anſwer, That the Duke hath uſed the help of Art to prop him up: "It was apparent, that by his skill he hath raiſed a Party in the "Court, a Party in the Countrey, and a main Party in the chief Places of "Government in the Kingdom: So that all the moſt deſerving Offices "that require Abilities to diſcharge them, are fixed upon the Duke, his F "Allies and Kindred. And thus he hath drawn to him and his, the "Power of Juſtice, the Power of Honour, and the Power of Command, "and, in effect, the whole Power of the Kingdom, both for Peace and "War, to ſtrengthen his Allies; and in ſetting up himſelf, hath ſet upon the

"King-

2 Caroli.

"Kingdoms Revenues, the Fountain of Supply, and the Nerves of the "Land.

"He intercepts, conſumes, and exhauſts the Revenues of the Crown, "not only to ſatisfie his own luſtful deſires, but the luxury of others; and "by emptying the Veins, the Blood ſhould run in, he hath caſt the Body "of the Kingdom into an high Conſumption.

"Infinite Sums of Money, and Maſs of Land, exceeding the value of
A "Money, Contributions in Parliament have been heaped upon him, and "how have they been employed? Upon coſtly Furniture, ſumptuous "Feaſting, and magnificent Building, the viſible evidences of the expreſs "exhauſting of the State; and yet his Ambition, which is boundleſs, "reſteth not here, but, like a violent flame, burſteth forth, and getteth "further ſcope: Not ſatisfied with injuries, and injuſtice, and diſho-"nouring of Religion, his attempts go higher, to the prejudice of his "Sovereign, which is plain in his practiſe. The effects I fear to ſpeak,
B "and fear to think. I end this paſſage, as *Cicero* did in a like caſe, *Ne* "*gravioribus utar verbis quam rei natura fert, aut levioribus quam cauſæ ne-*"*ceſſitas poſtulat.*

"Your Lordſhips have an *Idea* of the Man, what he is in himſelf, "what in his affections. You have ſeen his power, and ſome, I fear, have "felt it; you have known his practice, and have heard the effects. It "reſts then to be conſidered, what (being ſuch) he is in reference to the "King and State; how compatible or incompatible with either? In refe-
C "rence to the King, he muſt be ſtiled the Canker in his Treaſure; In refe-"rence to the State, the Moth of all Goodneſs. What future hopes are "to be expected, your Lordſhips may draw out of his Actions and Affe-"ctions; I will now ſee, by compariſon with others, to what we may "find him likened; I can hardly find him a Match or Parallel in all "Preſidents; none ſo like him as *Sejanus*, who is thus deſcribed by "*Tacitus. Audax, ſui obtegens, in alios criminator, juxta adulator & ſu-*"*perbus.*

D "To ſay nothing of his Veneries, if you pleaſe to compare them, "you ſhall eaſily diſcern wherein they vary; ſuch boldneſs of the one "hath lately been preſented before you, as very ſeldom or never hath "been ſeen. For his ſecret Intentions and Calumniations, I wiſh this "Parliament had not felt them, nor the other before. For his Pride "and Flattery, it is noted of *Sejanus*, that he did *Clientes ſuos Provinciis* "*adornare.* Doth not this man the like? Ask *England*, *Scotland*, and "*Ireland*, and they will tell you. *Sejanus*'s pride was ſo exceſſive, as
E "*Tacitus* ſaith, He neglected all Council, mixed his buſineſs and ſervice "with the Prince, ſeeming to confound their Actions, and was often "ſtiled *Imperatoris laborum ſocius.* How lately and how often hath this "Man commixed his Actions in Diſcourſes with Actions of the "Kings?

"My Lords, I have done, you ſee the Man; onely this which was "conceived by the Knights, Citizens, and Burgeſſes, ſhould be bold-
F "ly by me ſpoken, That by him came all theſe evils, in him we find "the Cauſe, and on him we expect the Remedies, and to this we met "your Lordſhips in Conference; to which, as your Wiſdom invites "us, ſo we cannot doubt, but in your Lordſhips Wiſdom, Great-"neſs and Power, we ſhall, in due time, find Judgment as he de-"ſerves.

I con-

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"I conclude, by preſenting to your Lordſhips the particular Cenſure "of the Biſhop of *Ely*, reported in the 11 *Rich.* 1. and to give you a "ſhort view of his faults. He was firſt of all noted to be luxurious; Se- "condly, He married his own Kindred to Perſonages of higheſt rank "and places; Thirdly, no mans buſineſs was done without his help; "Fourthly, He would not ſuffer the King's Council to adviſe in matters "of State; Fifthly, he grew to ſuch a heighth of pride, that no man "was thought worthy to ſpeak unto him; And laſtly, His Caſtles and "Forts of Truſt, he did *obſcuris & ignotis hominibus tradere.* His "Doom was this, *Per totam inſulam publice proclamatur, periat qui perde-* "*re cuncta feſtinat, opprimatur ne omnes opprimat.* A

Sir *John Elliot* and Sir *Dudly Diggs* committed to the *Tower.*

Sir *Dudley Diggs* having made the Prologue, and Sir *John Elliot* the Epilogue, in the Impeachment of the Duke, they were both by the Kings command committed to the *Tower.*

Upon the Impeachment of the Duke, a Paper was privately conveyed to the King, importing, B

Private Suggeſtions to the King, in behalf of the Duke.

That this great oppoſition againſt the Duke, was ſtirred up and maintained by ſuch as ſeek the deſtruction of this free Monarchy. Becauſe they find it not yet ripe to attempt againſt the King himſelf, they endeavour it through the ſides of the Duke. The perſons agreeing in this one miſchief, are of divers ſorts and humors. Firſt, medling and buſie perſons, who love popular ſpeeches: Secondly, covetous Landlords, Incloſers, Depopulators, &c. *who being of the Parliament, eaſe themſelves in Subſidies, and lay it on the true Commons, and cry out, the Grievances are cauſed by the Duke. Thirdly, Recuſants, who hate the Duke for the breach of the Spaniſh Match. Fourthly, Perſons indebted, who, by Priviledge of Parliament, avoid payment. Fifthly, Puritans and Sectaries, though two of them ſcarcely agree in what they would have: Haters of Government, and would have the King's power extinguiſhed in matters Eccleſiaſtical, and limited in Civil. Sixthly, Mule-contents, who look upon the Duke with an evil eye, becauſe themſelves are not perferred. Seventhly, Lawyers, who are very fit in Parliaments to ſecond any Complaint againſt both Church and King, and all his Servants, with their Cuſtoms, Antiquities, Records, Statutes, Preſidents, and Stories. Eighthly, Merchants and Citizens, who deceive the King of Cuſtom. Ninthly, Innovators, Plebicolæ.* C

That ſince the time of Henry *the Sixth, theſe Parliamentary diſcourſings might never be ſuffered, as being but certain ſymptoms of ſubſequent Rebellions, Civil Wars, and the dethroning our King, and no one Patriot daring to oppoſe them, leſt he incur the reputation of a Fool or Coward in his Countreys Cauſe.* D

His Majeſty therefore ſtrengthned himſelf ever with ſome Favourite, as whom he might better truſt, than many of the Nobility, tainted with this deſire of Oligarchy. E

It behoveth, without doubt, his Majeſty, to uphold the Duke againſt them, who, if he be decourted, it will be the Corner-ſtone, on which the demoliſhing of his Monarchy will be builded: For if they prevail with this, they have hatched a thouſand other demands to pull the Feathers of Royalty. F

They will appoint him Counſellors, Servants, Alliances, Limits of Expences, and Accompt of his Revenues; chiefly if they can, they will now dazle him in the beginning of his Reign.

Laſtly, King James *and King* Charles *are the Dukes Accuſers, in all the Aſperſions that are laid upon him. King* James, *for the Money deſtined for the Wars*

2 Caroli.

Wars in this time, ſpent in Treaties, &c. And his Majeſty can teſtifie for the things done in his time. And all theſe, though actions of the King, are imputed to the Duke: Who, if he ſuffer for obeying his Sovereign, the next attempt will be to call the King to account for any thing he undertakes, which doth not proſperouſly ſucceed, as all men would deſire it.

If it pleaſe his Majeſty to remove and ſet aſide all theſe diſadvantages, he ſhall find the Charge againſt the Duke very empty, and of ſmall moment: And if his Majeſty and the Duke's Grace think it no impeachment to their Honours, all that the Parliament hath objected againſt the Duke, except two or three things that may receive an Anſwer, is pardoned at the King's Coronation, which beneſit every poor Subject enjoyeth.

May 11. The King came to the Parliament, and ſpake to the Houſe of Peers, as followeth.

My Lords,

King's Speech concerning the Duke.

THE Cauſe, and onely Cauſe of my coming to you this day, is to expreſs the ſenſe I have of all your Honours; for he that toucheth any of you, toucheth me in a very great meaſure. I have thought fit to take order for the puniſhing ſome inſolent Speeches lately ſpoken. I have been too remiſs heretofore in puniſhing ſuch Speeches as concern my ſelf; not that I was greedy of their Monies, but that Buckingham, *through his importunity, would not ſuffer me to take notice of them, leſt he might be thought to have ſet me on, and that he might come the forwarder to his Tryal. And to approve his innocency, as touching the matters againſt him, I my ſelf can be a Witneſs to clear him in every one of them.*

I ſpeak not this to take any thing out of your hands; but to ſhew the reaſon why I have not hitherto puniſhed thoſe inſolent Speeches againſt my ſelf. And now I hope you will be as tender of my Honour, when time ſhall ſerve, as I have been ſenſible of yours.

And ſo his Majeſty was pleaſed to depart.

The ſame day this following Meſſage was brought from the Commons to the Lords, by *Sir Nathanael Rich.*

The *Commons* Meſſage by Sir *Nat. Rich*, to ſecure the Duke.

THE Commons taking into ſerious conſideration the main Miſchiefs and Inconveniences which this renowned Kingdom doth now ſuffer, threatning apparent danger to the King and Commonwealth, have by ſearch and diſquiſition into the Cauſes thereof, found that they do principally flow from the exhorbitant Power, and abuſive Carriage of the Duke of Buckingham, whereof he hath this Parliament been impeached before their Lordſhips by the Commons, beſides an Accuſation of a Peer in their own Houſe, who hath charged him (as they are informed) of High Treaſon: They therefore with one voice make an entire Declaration, That they hold it a thing of dangerous Conſequence both for the preſent and future times, that a man of ſo great Eminence, Power, and Authority, being impeached and accuſed of ſuch high Crimes and Offences, ſhould yet enjoy his Liberty,

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Liberty, hold ſo great a part of the ſtrength of the Kingdom in his hands ſit as a Peer in Parliament, and be acquainted with the Counſels thereof, whereby inevitable miſchief may ſuddenly fall upon the Kingdom. Wherefore they have thought it their Duty, to recommend this their unanimous deſire to their Lordſhips, as agreeable to Law and Reaſon, That they would be pleaſed forthwith to commit the perſon of the ſaid Duke to ſafe Cuſtody.

Whereupon, the Duke made this Speech in the Lords Houſe.

My Lords,

The Duke's Speech againſt the Commons.

IF I ſhould hold my Peace, it would argue Guilt; If I ſhould ſpeak, it would argue Boldneſs, being ſo foully accuſed. Your Lordſhips ſee what Complaints are made againſt me by the Houſe of Commons. How well I ſtood in their Opinions not long ſince, your Lordſhips know it. What I have done ſince to loſe their good Opinions, I proteſt I know not. I cannot ſo diſtruct my own Innocency, and my Heart which abhors Guilt, as to decline any Courſe, or Court of Juſtice: And had they not brought My Cauſe to your Lordſhips, it ſhould have been my own work; and they have done me a Favour to deliver me out of their hands, into your Lordſhips.

I will not ſpeak any thing to caſt dirt at thoſe, who had taken Pains to make me ſo foul; but to proteſt my Innocency in that meaſure, which I ſhall ever hope to prove, it being before ſuch juſt Judges. I deſire my Tryal may be haſtned, That I may no longer ſuffer than I muſt needs. And now that my Accuſer hath not been content only to make my Proceſs, but to preſcribe to your Lordſhips the manner of your Judgment, and to judge me before I am heard, I ſhall not give way to any of their unjuſt demands, &c.

The Commons diſcontented at the Impriſonment of their Members.

The Commons upon the Impriſonment of their Members, and the offence taken by the King at the words ſpoken by thoſe two Gentlemen in impeaching the Duke, reſolved to proceed in no other buſineſs, till they were righted in their Liberties, and ordered, that the Houſe be turned into a Grand Committee preſently, to ſit and conſider of the beſt way and means to effect the ſame, and that no Member be ſuffered to go forth. At which time Sir *Dudley Carlton* obſerving that unuſual, and as he termed it, ſullen ſilence of the Houſe, made this Speech.

Sir *Dudley Carlton's* Speech.

"I Find (by a great ſilence in this houſe) that it is a fit time to be heard, "if you pleaſe to give me the Patience. I may very fitly compare the "heavineſs of this Houſe unto ſome of my Misfortunes by Sea in my "Travels: for as we were bound unto *Merſeillis*, by over-ſight of the "Mariners we miſtook our courſe, and by ill fortune met with a Sand; "That was no ſooner over-paſt, but we fell on another; and having eſ- "caped this likewiſe, we met with a third, and in that we ſtuck faſt. All "of the Paſſengers being much diſmayed by this diſaſter, as now we are "here in this Houſe for the loſs of thoſe two Members: At laſt, "an old experienced Mariner, upon Conſultation, affirmed, That the "ſpeedieſt way to come out from the Sands, was to know how we "came there; ſo, well looking and beholding the Compaſs, he found "by

2 *Caroli.*

"by going in upon ſuch a point, we were brought into that ſtraight;
"wherefore we muſt take a new point to rectifie and bring us out of
"danger.

"This Houſe of Parliament may be compared to the Ship; the Sands
"to our Meſſages; and the Commitment, to the Sands that the Ship
"did ſtick faſt in; and laſtly, the Compaſs, to the Table where the Book
"of Orders doth lye. Then I beſeech you, let us look into the Book where
A "the Orders are, whether the Gentlemen did go no farther than the Or-
"der did warrant them. If they did not, it is fit that we ſhould defend
"them whom we employed in our beheſts: But if they have exceeded
"their Commiſſion, and delivered that which they had not warrant for,
"it is juſt that we let them ſuffer for this preſumption; and this our
"Courſe will bring us from theſe Rocks.

"I beſeech you Gentlemen, move not His Majeſty with trenching up-
"on his Prerogatives, leſt you bring him out of love with Parliaments.
B "You have heard His Majeſties often Meſſages to you, to put you for-
"ward in a Courſe that will be moſt convenient. In thoſe Meſſages he
"told you, That if there were not Correſpondency between him and
"you, he ſhould be inforced to uſe new Counſels. Now, I pray you, con
"ſider what theſe new Counſels are, and may be: I fear to declare thoſe
"that I conceive. In all Chriſtian Kingdoms, you know that Parlia-
"ments were in uſe antiently, by which their Kingdoms were governed
"in a moſt flouriſhing manner, until the Monarchs began to know their
C "own ſtrength, and ſeeing the turbulent Spirit of their Parliaments, at
"length they, by little and little, began to ſtand upon their Prerogatives,
"and at laſt overthrew the Parliaments throughout Chriſtendom, except
"here only with us.

"And indeed, you would count it a great miſery, if you knew the
"Subject in Foreign Countries as well as my ſelf; to ſee them look, not
"like our Nation, with ſtore of fleſh on their backs, but like ſo many
"Ghoſts, and not Men, being nothing but skin and bones, with ſome thin
D "cover to their nakedneſs, and wearing only woodden ſhooes on their
"feet; ſo that they cannot eat Meat, or wear good Clothes, but they
"muſt pay and be taxed unto the King for it. This is a miſery beyond
"expreſſion, and that which yet we are free from: Let us be careful then
"to preſerve the Kings good opinion of Parliaments, which bringeth this
"happineſs to this Nation, and makes us envied of all others, while there
"is this ſweetneſs between His Majeſty and His Commons; leſt we
"loſe the repute of a Free-born Nation, by turbulency in Parliament.
E "For, in my opinion, the greateſt and wiſeſt part of a Parliament
"are thoſe that uſe the greateſt ſilence, ſo as it be not opiniatory, or
"ſullen, as now we are by the loſs of theſe our Members that are com-
"mitted.

"This good Correſpondency being kept between the King and his
"People, will ſo joyn their love and favour to His Majeſty with liking
"of Parliaments, that his Prerogative ſhall be preſerved entire to Himſelf,
"without our trenching upon it; and alſo the Priviledge of the Subject
F "(which is our happineſs) inviolated, and both be maintained to the
"ſupport of each other. And I told you, if you would hear me pati-
"ently, I would tell you what exception His Majeſty doth take at thoſe
"Gentlemen that are committed. You know that Eight Members were
"choſen to deliver the Charge againſt the Duke, but there were only
"ſix employed for that purpoſe; inſomuch that there was no exception.

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" As for Sir *Dudley Diggs* his part, that was the Prologue, and in that " his Majeſty doth conceive that he went too far beyond his Commiſſi- " on, in preſſing the death of his ever bleſſed Father in theſe words, That " he was commanded by the Houſe, concerning the Plaiſter apply'd to " the King, *That he did forbear to ſpeak further in regard of the King's Ho-* " *nour*, or words to that effect; this his Majeſty conceiveth to be to his " diſhonour, as if there had been any under hand dealing by his Majeſty, " in applying of the Plaiſter, and this may make his Subjects jealous of " his doings: In this point his Majeſty is aſſured, that the Houſe did not " warrant him. Now, for that which is excepted against Sir *John Elliot*, " his over bitterneſs in the Aggravation upon the whole Charge, and " ſpecially upon ſome of the heads of it: For, if you pleaſe to remember, " when I moved for putting of the St. *Peter* of *Newhaven* out of the " Charge againſt the Duke of *Buckingham*, and ſhewed my Reaſons for " that purpoſe, you know how tender Sir *John Elliot* was of it, as if he had " been a Child of his own, and ſo careful in the handling thereof by a " Stranger, that he would not ſuffer it to be touched, though with ne- " ver ſo tender a hand, for fear it may prove a Changeling: which did " manifeſt, how ſpecious ſoever his pretences were, that he had *oculum* " *in Cauda*: And I muſt confeſs, I was heartily ſorry when he delivered " his Aggravation to the Lords, to ſee his Tartneſs againſt the Duke; " when as he had occaſion to name him, he only gave him the Title of " *This man*, and *The man*; whereas the other obſerved more reſpect and " modeſty in their Charges againſt ſo great a Perſon as the Duke is, con- " ſidering, that then he was not convicted, but ſtood *rectus in Curia.* " Laſtly, for preſſing the death of his late Majeſty, you know that the " Senſe of the Houſe concluded, That it is only an Act of Preſumption; " nay, ſome of them expreſly ſaid, *Nay, God forbid that I ſhould lay the* " *Death of the King to his Charge.* If he without warrant from the houſe, " inſiſted upon the Compoſition of the Plaiſter, as if there were *Aliquid* " *latet quod non patet*; This was beyond his Commiſſion from our houſe, " and this is that which his Majeſty doth except againſt; And this I ſay, " drew his Majeſty, with other inſolent Invectives, to uſe his Regal " Authority in committing them to the *Tower.*

A B C D

Sir *Dudley Diggs* being charged for ſaying in the matter of applying the Plaiſter to his late Majeſty, *That he did forbear to ſpeak further of that in Regard of the King's Honour*, or words to that Effect; There paſſed a Proteſtation of every man in particular for himſelf; and it was ordered in the Houſe, That they that were ſick in the Town, ſhould have three of the Houſe ſent to them to take this Proteſtation likewiſe.

E

The Commons Proteſtation, touching words imputed to Sir *Dudley Diggs.*

I Proteſt before Almighty God and this Houſe of Parliament, That I never gave Conſent that Sir Dudley Diggs **ſhould ſpeak theſe Words that he is now charged withal, or any Words to that effect; And I have not affirmed to any that he did ſpeak ſuch Words, or any to that effect.**

F

Sir *D. Diggs* releaſed out of priſon, proteſts he never ſpake the words charged on him.

Within few days after, Sir *Dudley* being releaſed out of Priſon, came into the Houſe, and made Proteſtation concerning the Paſſage whereat his Majeſty had taken offence; That ſpeaking of the Plaiſter applyed to the Body of the late King, he ſaid, *He would forbear to ſpeak any further of it, in regard of the King's Honour*; he proteſted, that this was far from his words,

2 *Caroli.*

words, and that it never came into his Thoughts. And he gave the Houſe great Thanks for their reſpect unto him, and ſaid, That he had received from His Majeſty a gracious Teſtimony of his ſatisfaction.

And the King himſelf ſignifieth to the Houſe by the Vice-Chamberlain, That he underſtood, out of ſome Notes which were taken at the Conference, that Sir *Dudly Diggs* had ſpoken the words wherewith he was charged, but now was ſatisfied that he did not ſpeak them, nor any words to ſuch effect: Nevertheleſs, the Duke affirmed to the Houſe of Peers, that ſome words were ſpoken at this late Conference by Sir *Dudly Diggs*, which ſo far did trench upon the King's Honour, that they are interpreted Treaſonable; and that (had he not been reſtrained by Order of the Houſe) he would then have reprehended him for the ſame: He therefore earneſtly deſired, for that divers conſtructions have been made of thoſe words, and for that they have been diverſly reported, that every one of the ſaid Reporters would be pleaſed to produce their Notes taken at the Conference.

The King is ſatisfied that the words were not ſpoken.

The Duke diſſatisfied.

This matter was much debated, and the Houſe of Peers often put into a Committee, and reaſſumed again, but they came to no reſolution therein. In fine, theſe Lords following, (to the number of thirty ſix) made this voluntary Proteſtation upon their Honours; That the ſaid Sir *Dudley Diggs* did not ſpeak any thing at the ſaid Conference, which did or might trench on the Kings Honour; and if he had, they would preſently have reprehended him for it.

Thirty ſix Lords proteſt they heard not the words ſuppoſed to be ſpoken at a Conference.

The Lord Preſident affirmed, That he had reported the words in the ſame ſence they were delivered unto him by the Party himſelf, and though the connexion of them require to be explained, yet he agreed with the reſt of the Lords, for the Parties good meaning, and made the ſame Proteſtation.

The Lords who Proteſted were theſe, *viz.*

The Earl of Mulgrave.
Earl of Cleveland.
Earl of Weſtmerland.
Earl of Bullingbrook.
Earl of Clare.
Earl of Denbigh.
Earl of Cambridge.
Earl of Devon.
Earl of Warwick.
Earl of Northampton.
Earl of Bridgwater.
Earl of Montgomery.
Earl of Nottingham.
Earl of Lincoln.
Earl of Eſſex.
Earl of Hereford.
Earl of Kent.
Earl of Oxon.

Lord Grey *of* Warke.
Lord Noell.
Lord Mountague.
Lord Ruſſel.
Lord North.
Lord Cromwel.
Lord Vaux.
Lord Dudley.
Lord Morley.
Lord Piercy.
Lord Biſhop of Sarum.
Lord Biſhop of Landaffe.
Lord Biſhop of Cheſter.
Lord Biſhop of Covent. *and* Lich.
Lord Biſhop of Worceſter.
Lord Biſhop of Norwich.
Lord Vicount Say *and* S.
Lord Vicount Rocheford.

Not

An. 1626.

Not long after, Sir *John Elliot* alſo was releaſed out of the Tower, and ſent for to come into the Houſe. Then the Vice Chamberlain ſtood up, and by way of Explanation of his former Speech, ſaid,

Sir *Joh. Elliot* is releaſed out of the Tower.

"That he intended not to charge him, but to give him an occaſion to "diſcharge himſelf. Firſt, That all the others had uſed reſpective words "in the Conference; but for the manner of his Speech, he conceived "it was too tart and harſh to the Perſon of the Duke, and that in repre- A "ſenting a Character of his mind, by comparing him with a ſtrange "Beaſt, he had out-gone his Commiſſion. Secondly, That contrary "to the ſenſe of the Houſe, as if they were ignorant of the return of the "Ships out of *France*, he ſaid, *They ſay they are come, but I know it not*; "when the Houſe knew it full well. That ſpeaking of the Duke, he

Is charged by Sir *Dudley Charlton* for his Speech againſt the Duke.

"ſaid, *That man*, which Phraſe in all Languages, is accounted a great in- "dignity to Perſons of Honour; That he made ſcandalous compariſons "between the Duke and *Sejanus*, and the Biſhop of *Ely*, which was like- B "wiſe beſides his Charge; That he brake off ambiguouſly and abruptly "with a Sentence of *Cicero*, as if ſomething elſe might be which was not "yet diſcovered.

Sir *John Elliot* thanked the Vice-Chamberlain for dealing ſo plainly with him, and giving him occaſion to clear himſelf: and to the particulars charged againſt him, he anſwered,

He diſcharg-eth himſelf.

C

"Firſt, conſidering the Duke's plurality of great and different Offices, "together with his deceit and fraud, in perſwading the Merchants to "go to *Diep*, there to entrap them; in colouring the Deſigns to the King, "which he had plotted to ſerve againſt thoſe of his Religion; in abuſing "the Parliament at *Oxford*; and diſguiſing his purpoſe, as if the Ships "were to go to *Rochel*. Theſe particulars being ſo various, and of ſuch "a nature, he called by the name of *Stellionatus*, from a Beaſt diſcolour- "ed, uncertain, and doubtful, that they knew not by what name to call D "it, or by what colour to deſcribe it; and theſe he called a Character of "the mind, becauſe they lie in the heart, and were deceits to abuſe "the King and Parliament.

"Secondly, as to his ſaying, *He knew not the Ships were come*; he an- "ſwered, he did not know it then, and as yet he knew it not, though it "was true that he heard it.

"Thirdly, he denied not, that ſpeaking of the Duke, he ſometimes "uſed this word, *that man*, though at other times he was not wanting to E "give him his due Titles; and ſaid, That the *Latines*, ſpeaking of *Cæſar*, "called him *Ille Cæſar*, and that the ſame is uſual in all Languages; nor "did he think the Duke to be a God.

"Fourthly, he confeſſed, That he parallel'd him with the Biſhop of *Ely* "and *Sejanus*; and though there were many particular cenſures of that "Biſhop, yet he produced none but ſuch as were within the compaſs of "his Charge; nor did he apply the Veneries and Venefices of *Sejanus* to "the Duke, but excluded them. F

"Laſtly, touching the Phyſick of the King, he ſaid, he brake off ſo "abruptly in aggravation of the Duke's Offence, who, not content "with the injury of Juſtice, the wrong of Honour, the prejudice of the "State, nor that of the Revenue, his attempts go higher, even to the "Perſon of the King, making on that his practice in ſuch a manner, to

"ſuch

2 *Caroli.*

"ſuch an effect, that he ſaid, he feared to ſpeak, nay, he doubted to "think; in which regard he left it, as *Cicero* did another thing, *Ne gra-* "*vioribus, &c.*

It was then reſolved on the Queſtion, That Sir *John Elliot* hath not exceeded the Commiſſion given him in any thing that paſſed from him, in the late Conference with the Lords; The like for Sir *Dudley Diggs*, both paſſed without a Negative; the like Vote did paſs for Mr. *Selden*, Mr. *Herbert*, Mr. *Glanvile*, Mr. *Sherland*, Mr. *Pym*, and Mr. *Wandesford*, who were alſo Managers at that Conference.

The King, in the time of this Parliament, had committed the Earl of *Arundel* to the Tower, but the cauſe of his Commitment was not expreſſed; yet it was conceived to be about the Marriage of the Lord *Maltravers*, the Earls eldeſt Son, to the young Duke of *Lenox*, his ſiſter, which was brought about by the contrivance of the Counteſs of *Arundel* and the old Dutcheſs of *Lenox*. The Lords were highly diſcontented at his commitment in time of Parliament; concerning whoſe Liberties and their own Priviledges, they had preſented ſeveral Petitions to his Majeſty, but receiving no ſatisfactory anſwer thereto, agreed on this enſuing Petition, occaſioned by the releaſe of Sir *Dudley Diggs*,

May it pleaſe your Majeſty,

The Lords Petition to the King about the Earl of *Arundel*, impriſoned in the time of Parliament.

THE cauſe that moves us now to attend your Majeſty, (as at firſt we did) is, becauſe we obſerve that the Houſe of Commons have ſpeedily received a Member of theirs who was committed: We the Peers, ambitious to deſerve of your Majeſty, and to appear to the eye of the World as much reſpected in our Rights and Priviledges as any Peers or Commons have ever been, acknowledging you a King of as much goodneſs as ever King was; do now humbly beſeech that the Earl of Arundel, **a Member of our Houſe, may be reſtored to us; it ſo much concerning us in point of Priviledge, that we all ſuffer in what he ſuffers in this Reſtraint.**

In *March* laſt, when the Earl of *Arundel* was committed, the Houſe of Lords purpoſed to take the ſame into their conſiderations, and ſo to proceed therein, as to give no juſt cauſe of Offence to his Majeſty, and yet preſerve the Priviledges of Parliament.

The Lord Keeper of the Great Seal thereupon ſignified unto the Houſe, that he was commanded to deliver this Meſſage from his Majeſty unto their Lordſhips; *viz.*

That the Earl of Arundel *was reſtrained for a miſdemeanour which was perſonal to His Majeſty, and lay in the proper knowledge of his Majeſty, and had no relation to matters of Parliament.*

Whereupon the Houſe was put into a Committee, and being reſumed,

The Lords Committees for Priviledges, *&c.* were appointed to ſearch for Precedents concerning the commitment of a Peer of this Realm, during the time of Parliament; and the Lord Chief Juſtice, Mr. Juſtice *Doderidge*, and Mr. Juſtice *Yelverton*, were appointed to attend their Lordſhips in that behalf.

The

The day following the Lord Treaſurer delivered another Meſſage from the King, *in hæc verba.*

The King's Meſſage to the Lords touching the Earl of *Arundel.*

WHereas upon a Motion made by one of your Lordſhips, the Lord Keeper did yeſterday deliver a Meſſage from his Majeſty, that the Earl of Arundel *was reſtrained for a Miſdemeanour which was perſonal to his Majeſty, and lay in the proper knowledge of his Majeſty, and had no relation to matters of Parliament: His Majeſty hath now commanded him to ſignifie to your Lordſhips, that he doth avow the Meſſage in ſort as it was delivered, to have been done punctually according to his Majeſties own direction, and he knoweth, that he hath therein done juſtly, and not diminiſhed the Priviledges of that Houſe.*

And becauſe the Committee appointed yeſterday to ſearch for Preſidents, &c. had not yet made any Report to the Houſe; therefore the directions for this buſineſs were ſuſpended for a time.

Not long after, the Earl of *Hertford* made report to the Houſe, That the Lords Committees for Priviledges met on Monday laſt; The firſt Queſtion that aroſe amongſt them was, Whether thoſe Proxies were of any validity, which are deputed to any Peer, who ſitteth not himſelf in Parliament? And it was conceived that thoſe Votes were loſt: Whereupon the Committee found this Houſe to be deprived of five Suffrages by the abſence of the Earl of *Arundel*, unto whom they were intruſted: And the Committee finding by the Journal-Book that the Sub-Committee which was appointed to ſearch Precedents for Priviledges concerning the Commitment of a Peer in the time of Parliament, had not yet made report to the Houſe: and then conſidering together their Notes of Precedents whereof they had made ſearch, found, That no one Peer had been committed, the Parliament ſitting, without tryal of Judgment of the Peers in Parliament; and that one onely Precedent of the Biſhop of *Wincheſter*, in the Book-Caſe, in the Third year of *Edw.* 3. which was here urged, cannot be proved to be in Parliament time; and this the Lords of the Grand-Committee thought fit to offer to the conſideration of the Houſe.

The Lords reſolved to maintain their priviledges.

Hereupon the Houſe was moved to give power to the Lords ſub-Committees for Priviledges, &c. to proceed in the ſearch of Precedents of the Commitment of a Peer of this Realm during the time of Parliament; and that the Kings Council might ſhew them ſuch Precedents as they have of the ſaid Commitment; and that the ſaid ſub-Committee may make the Report unto the Houſe at the next acceſs.

All which was granted and agreed unto, and theſe Lords were called unto the ſaid ſub-Committee; *viz.*

The Lord Treaſurer.
Lord Preſident.
Duke of Buckingham.
Earl of Dorſet.
Earl of Devon.
The Earl of Clare.
The Vicount Wallingford.
Vicount Mansfield.
Lord North.

And the Kings Council were appointed to attend the Lords.

The

2 *Caroli.*

The Lord President reported the Proceedings of the said Sub-Committees for Priviledges, &c. upon Committment of the Earl of *Arundel, viz.*

That the Kings Council had searched and acquainted the Lords Sub-Committees with all that they had found in Records, Chronicles, and Stories, concerning this Matter: Unto which, the said Lords Sub-Committees had given full Answer, and also shewn such Presidents as did maintain their own Rights.

The Presidents being read, (which for the length we forbear to mention) It was resolved upon the Question by the whole House, *Nemine dissentiente.*

That the Priviledge of this House is, That no Lord of Parliament, the Parliament sitting, or within the usual time of Priviledges of Parliament, is to be imprisoned or restrained without Sentence or Decree of the House, unless it be for Treason or Felony, or refusing to give Surety of the Peace.

And it was thereupon ordered, That the said Lords Sub-Committees for Priviledges, &c. or any five of them, shall meet this After-noon, to consider of a Remonstrance and Petition of the Peers, concerning the Claim of their Priviledges, from Arrests and Imprisonments, during the Parliament. Which was conceived by the Lords Sub-Committees for Priviledges, according to the order of the House, and was read openly, *viz.*

May it please your Majesty,

A Remonstrance and Petition of the Peers, in behalf of the Earl of *Arundel.*

WE the Peers of this your Realm assembled in Parliament, finding the Earl of Arundel absent from his place, that sometimes in this Parliament sate amongst us, his Presence was therefore called for: But thereupon a Message was delivered unto us from your Majesty by the Lord Keeper, that the Earl of Arundel was restrained for a Misdemeanor, which was personal to your Majesty, and had no relation to matters of Parliament. This Message occasioned us to inquire into the Acts of our Ancestors, and what in like cases they had done, that so we might not err in any dutiful respect to your Majesty, and yet preserve our right and priviledge of Parliament. And after diligent search both of all Stories, Statutes and Records, that might inform us in this case, We find it to be an undoubted right and constant priviledge of Parliament, That no Lord of Parliament, the Parliament sitting, or within the usual times of Priviledge of Parliament, is to be imprisoned or restrained, without Sentence, or Order of the House; unless it be for Treason or Felony, or for refusing to give Surety for the Peace. And to satisfie our selves the better, we have heard all that could be alledged by your Majesties Council, learned at Law, that might any way weaken or infringe this Claim of the Peers; and to all that can be shewed or alledged, so full Satisfaction hath been given, as that all the Peers of Parliament, upon the Question made of this Priviledge, have, *una Voce*, consented, That this is the undoubted Right of the Peers, and hath inviolably been enjoyed by them.

Wherefore we, your Majesties Loyal Subjects and humble Servants, the whole body of the Peers now in Parliament assembled, most

An. 1626. **moſt humbly beſeech your Majeſty, that the Earl of** Arundel, **a Member of this Body, may preſently be admitted with your Gracious Favor to come, ſit, and ſerve your Majeſty and the Commonwealth in the great Affairs of this Parliament. And we ſhall pray, &c.**

This Remonſtance and Petition to his Majeſty, was approved by the whole Houſe, who agreed, that it ſhould be preſented by the whole Houſe to his Majeſty; and it was further agreed, that the Lord Preſident, the Lord *Steward*, the Earl of *Cambridge*, and the Lord Great-Chamberlain ſhould preſently go to the King to know his Majeſties pleaſure when they ſhall attend him. A

Theſe Lords returning, the Lord Preſident reported, that his Majeſty had appointed that day, between two and three of the Clock, for the whole Houſe to attend him, with the ſaid Remonſtrance and Petition in the Chamber of Preſence at *Whitehall*.

And it was agreed, That the Lord Keeper ſhould then read the ſame to the King, and preſent it to his Majeſty. B

The Twentieth of *April*, the Lord Preſident reported the Kings Anſwer unto the Remonſtrance and Petition of the Lords, to this effect:

The Kings firſt Anſwer to the Remonſtrance and Petition.

That their Lordſhips having ſpent ſome time about this Buſineſs, and it being of ſome Conſequence, his Majeſty ſhould be thought raſh if he ſhould give a ſudden Anſwer thereto; and therefore will adviſe of it, and give them a full Anſwer in convenient time. C

The 21 of *April* 1626. It was ordered, that the Houſe ſhould be called on Monday next, being the 24 of *April*.

The King promiſeth to anſwer the ſaid Remonſtrance.

Which was done accordingly, and the Earl of *Arundel* being called, the Lord Keeper ſignified unto the Houſe, that his Majeſty had taken into Conſideration the Petition exhibited by their Lordſhips the 19 of *April*, concerning the Earl of *Arundel*, and will return an Anſwer thereunto with all Expedition. D

The Lords are urgent for an Anſwer.

The 2 of *May* it was ordered, that the Lord Keeper ſhould move his Majeſty from the Houſe for a ſpeedy and gracious Anſwer unto the Petition on the Earl of *Arundel*'s behalf.

The King returns another Anſwer to the Lords, touching the Remonſtrance.

The 4 of *May* 1626. the Lord Keeper ſignified unto their Lordſhips, that according to the Order of the 2 of *May*, he had moved his Majeſty from the Houſe on the behalf of the Earl of *Arundel*; Who anſwered, E

It is a Cauſe wherein he hath had a great deal of Care, and is willing to give their Lordſhips Satisfaction, and hath it in his Conſideration how to do it, and hath been interrupted by other Buſineſs, wherein Mr. Attorney hath had occaſion of much Conference with him (as their Lordſhips are acquainted:) But will with all Conveniency, give their Lordſhips Satisfaction, and return them an Anſwer.

The 9 of *May* 1626. the Houſe being moved to petition the King, touching the Earl of *Arundel*, certain Lords were appointed to ſet down the form of the ſaid Petition; who reported the ſame in Writing as followeth; *viz.* F

May

2 *Caroli.*

May it pleaſe your Majeſty,

A Whereas the whole Body of the Peers now aſſembled in Parliament, did the 19 day of April exhibit to your Majeſty an humble Demonſtrance and Petition concerning the Priviledge of Peers in Parliament, and in particular touching the Earl of Arundel, whereupon we received a gracious Anſwer; That in convenient time, we ſhould receive a fuller Anſwer, which we have long and dutifully attended: And now at this time ſo great a buſineſs being in handling in the Houſe, we are preſſed by that buſineſs to be humbly Suitors to your Majeſty for a gracious and preſent Anſwer.

Another Petition to the King, touching the Earl of *Arundel*.

B Which being read, was approved of by the Houſe, and the ſaid Committee appointed to preſent the ſame unto his Majeſty from the Houſe, at ſuch time as the Lord Chamberlain ſhall ſignifie unto them, that his Majeſty is pleaſed to admit them to his preſence.

The 11 of *May* the Lord Preſident reported the King's Anſwer to the ſaid Petition.

C *That he did little look for ſuch a Meſſage from the Houſe; That himſelf had been of the Houſe, and did never know ſuch a Meſſage from the one Houſe unto the other: Therefore, when he received a Meſſage fit to come from them to their Sovereign, they ſhall receive an Anſwer.*

The King takes Exception at the Petition.

The Lord Preſident further Reported, That the Lords Committees appointed to deliver the Petition to the King, did thereupon withdraw, and require him humbly to deſire his Majeſty to be pleaſed to let them know unto what point of the ſaid Petition he takes this Exception; and D that his Majeſty willed him to ſay this of himſelf; *viz.*

The Lords deſire to know of his Majeſty, to what part of the Petition he takes Exception.

"The Exception the King taketh, is at the peremptorineſs of the "Term, *To have a preſent Anſwer*; and the King wonders at their "impatience, ſince he hath promiſed them an Anſwer in convenient time.

Hereupon the Houſe altered their former Petition, leaving out the word *Preſent*, and appointed the former Committee humbly to deliver E the ſame to his Majeſty.

The Petition preſented again, and the word (*preſent*) left out.

The 13 of *May*, the Lord Preſident reported the King's Anſwer to the Petition; *viz.*

"IT is true, the word (*Preſent*) was ſomewhat ſtrange to his Ma"jeſty, becauſe they did not uſe it from one Houſe to another; but "now that his Majeſty knows their meaning, they ſhall know "this from him, that they ſhall have his Anſwer ſo ſoon as conve- F "niently he can; And this his Majeſty will aſſure them, it ſhall be "ſuch an Anſwer, as they ſhall ſee will not trench upon the Priviledges "of the Houſe.

The Kings anſwer to the Petition ſo ordered.

An. 1626.

The Lords having agreed on another Petition to the King, wherein they acknowledged him to be a Prince of as much goodneſs as ever King was.

The 19 of *May*, the Lord Chamberlain ſignified to their Lordſhips, that his Majeſty being acquainted therewith, is pleaſed that this Houſe attend him at two of the Clock this day in the afternoon at *Whitehall*.

On which day the Lords delivered the Petition to his Majeſty; who upon the 20 of *May* returned this Anſwer.

My Lords,

The King's Anſwer to the Petition.

I See that in your Petition you acknowledge me a King of as much Goodneſs as ever King was, for which I thank you; and I will endeavour, by the Grace of God, never to deſerve other. But in this I obſerve that you contradict your ſelves; for, if you believe me to be ſuch, as you ſay I am, you have no reaſon to miſtruſt the Sincerity of my Promiſes: For, whereas upon often Petitions made by you unto me concerning this buſineſs, I have promiſed to give you a full Anſwer with all convenient ſpeed; by this again importuning of me, you ſeem to miſtruſt my former Promiſes: But it may be ſaid, there is an emergent cauſe, for that I have delivered a Member of the Lower-houſe.

In this, my Lords, by your Favour, you are miſtaken, for the Cauſes do no way agree; for that he that was committed of the Houſe of Commons, was committed for words ſpoken before both Houſes, which being ſuch as I had juſt cauſe to commit him; yet, becauſe I found they might be words only miſplaced, and not ill meant, and were ſo conceived by many honeſt men, I was content upon his Interpretation, to releaſe him, without any Suit from the Lower Houſe: whereas, my Lord of Arundel's *Fault was directly againſt my ſelf, having no relation to the Parliament; yet becauſe I ſee you are ſo impatient, I will make you a fuller Anſwer than yet I have done, not doubting, but that you will reſt contented therewith.*

It is true, I committed him for a cauſe which moſt of you know, and though it had been no more, I had reaſon to do it; yet, my Lords, I aſſure you, that I have things of far greater Importance, to lay to his Charge, which you muſt excuſe me for, not to tell you at this time, becauſe it is not yet ripe, and it would much prejudice my Service to do it; and this, by the word of a King, I do not ſpeak out of a deſire to delay you, but as ſoon as it is poſſible, you ſhall know the cauſe, which is ſuch as I know you will not judge to be any breach of your Priviledges; for, my Lords, by this I do not mean to ſhew the Power of a King, by diminiſhing your Priviledges.

This Anſwer being read, it was ordered, That the Committee for Priviledges ſhould meet, and conſider how farther to proceed with dutiful Reſpect to his Majeſty; and yet ſo, as it may be for the Preſervation of the Priviledges of the Peers of this Land, and the Liberties of the Houſe of Parliament.

Another Petition of the Lords touching the Earl of *Arundel*.

The 24 of *May* the Lord Preſident reported the Petition agreed on by the Lords Committees for Priviledges, &c. to be preſented to the King, which was *in hæc verba*.

May

2 *Caroli.*

May it pleaſe your moſt Excellent Majeſty,

A **Whatever our care and deſire is to preſerve our right of Peers, yet it is far from our thoughts either to diſtruſt, or to preſs any thing that ſtands not with the affection and duty of moſt dutiful and loyal Subjects: And therefore, in all Humility we caſt our ſelves before your Majeſty, aſſuring our ſelves in the word of a King, that with all conveniency poſſible, your Majeſty will pleaſe either to reſtore the Peer to his place in Parliament, or expreſs ſuch a cauſe as may not infringe our Priviledges.**

The Petition was generally approved, and ordered to be preſented to His Majeſty by the whole Houſe; and the Earl of *Carliſle* and the Lord *Carlton* to go preſently to know the King's Pleaſure when they ſhall
B attend his Majeſty. Who being returned, reported; That his Majeſty hath appointed that Afternoon at two of the Clock for the ſame.

The 25 of *May*, the Lord Keeper delivered the King's Anſwer unto the ſaid Petition, to be read, *in hæc verba*, viz.

My Lords,

C "YOur often coming to me about this matter, made me ſomewhat "doubt you did miſtruſt me; but now I ſee you rely wholly on "me, I aſſure you, it ſhall prevail more upon me than all importunities; "And if you had done this at firſt, I ſhould have given you content. And "now I aſſure you, I will uſe all poſſible ſpeed to give ſatisfaction, and, "at the fartheſt, before the end of this Seſſion of Parliament.

The King's Anſwer to this Petition.

This being read, the Houſe was moved the ſecond time, That all Buſineſſes might be laid aſide, and that Conſideration might be had how
D their Priviledges may be preſerved unto Poſterity. And the Houſe was put into a Committee for the freer Debate thereof, and afterwards reſumed: And it was ordered, That the Houſe be Adjourned till to morrow, and all Buſineſſes to ceaſe.

The Lords adjourn in diſguſt till the morrow.

The 26th of *May*, the Lord Keeper delivered his Meſſage from the King to the Houſe of Lords, *viz.*

E "THat his Majeſty hath willed him to ſignifie unto their Lordſhips, "that he doth marvel his meaning in his laſt Anſwer ſhould be "miſtaken: and for the better clearing of his intention, hath commanded "him to ſignifie unto their Lordſhips his further Anſwer, which is, That "their Lordſhips laſt Petition was ſo acceptable to his Majeſty, that his "intent was then, and is ſtill, to ſatisfie their Lordſhips fully in what "they then deſired.

His Majeſties Meſſage to the Lords.

Whereupon it was ordered, That all buſineſſes be Adjourned till that day ſevennight.

F At the ſame time the Duke of *Buckingham* ſignified unto their Lordſhips his deſire to have the King's Counſel allowed him to plead his cauſe: But the Lords would not hear him, becauſe they would entertain no buſineſs: And ſo the Houſe was Adjourned to the ſecond of *June*. At which time the Houſe ſitting again, the Lord Keeper delivered this Meſſage from the King to the Houſe of Lords, *viz.*

Upon this Meſſage the Lords Adjourn for a ſeven-night.

"His

An. 1626.

Another Meſſage to the Lords from his Majeſty, concerning the Earl of *Arundel.*

HIS Majeſty hath Commanded me to deliver unto your Lordſhips a Meſſage touching the Earl of Arundel; *That his Majeſty hath thought of that Buſineſs, and hath adviſed of his great and preſſing Affairs, which are ſuch, as make him unwilling to enter into diſpute of things doubtfull: And therefore to give you clear Satisfaction touching that cauſe, whereby you may more cheerfully proceed in the Buſineſs of the Houſe, he hath endeavoured, as much as may be, to ripen it, but cannot yet effect it; but is reſolved, that at the fartheſt, by Wedneſday ſeven-night, being the fourteenth of* June, *he will either declare the Cauſe, or admit him to the Houſe. And addeth further, upon the Word of a King, That if it ſhall be ſooner ripe, which he hath good Cauſe to expect, he will declare it at the ſooneſt. And further, That if the occaſion doth enforce to ſtay to the time prefixed, yet he doth not purpoſe to ſet ſuch a ſhort end to the Parliament, but that there ſhall be an ample and good ſpace betwecn that and the end of the Seſſions, to diſpatch Affairs.*

A

B

The Lords adjourn again.

This Meſſage being delivered, the Houſe was Adjourned *ad libitum*, and put into a Committee; and being reſumed, it was agreed, That all Buſineſſes ſhould ceaſe, but this of the Earl of *Arundel's*, concerning the Priviledges of the Houſe; and the Houſe to meet thereon to morrow morning, and to be put into a Committee to conſider thereof. And ſo the Houſe was adjourned to the next day.

C

Then the Lord Keeper delivered this Meſſage from the King, *viz.*

Another Meſſage from the King to the Lords concerning the Earl of *Arundel.*

THat in the matter concerning the Earl of Arundel, *his Majeſty hath been very careful and deſirous to avoid all Jealouſie of violating the Priviledges of this Houſe; that he continueth ſtill of the ſame mind, and doth much deſire to find out ſome Expedient, which may ſatisfie their Lordſhips in point of Priviledge, and yet not hinder his Majeſties Service in that particular. But becauſe this will require ſome time, his Maieſty, though his great Affairs are urgent and preſſing, is unwilling to urge their Lordſhips to go on therewith, till his Majeſty hath thought on the other:* And therefore, *hath commanded him to ſignifie his Pleaſure, That his Majeſty is contented, their Lordſhips adjourn the Houſe till Thurſday next; and in the mean time his Majeſty will take this particular Buſineſs into further Conſideration.*

D

E

Hereupon the Lords agreed, That the Lord Keeper do render unto his Majeſty from the Houſe, their humble Thanks for his gracious Reſpect unto their Priviledges.

Then the Lord Keeper demanded of the Lords, whether their Lordſhips would adjourn the Houſe till Thurſday next; Whereupon it was agreed by the Lords, and the Houſe was ſo adjourned.

F

On Thurſday *June* 8. the Lord Keeper delivered this Meſſage to the Lords from his Majeſty, *viz.*

That

2 *Caroli.*

Another Meſſage to the Lords from his Majeſty.

"THat on Saturday laſt his Majeſty ſent word to the Houſe, That "by this day he would ſend them ſuch an anſwer concerning the "Earl of *Arundel*, as ſhould ſatisfie them in point of Priviledge. And "therefore to take away all diſpute, and that their Priviledges may be "in the ſame Eſtate as they were when the Parliament began, his Ma- "jeſty hath taken off the Reſtraint of the ſaid Earl, whereby he hath li- A "berty to come to the Houſe.

The Earl of *Arundel* releaſed, comes to the Houſe.

The Earl of *Arundel* being returned to the Houſe, did render his humbe Thanks unto his Majeſty, for his gracious Favour towards him; and gave their Lordſhips alſo moſt hearty thanks for their often Interceſſions for him unto the King, and proteſted his Loyalty and faithful Service unto his Majeſty.

Much about this time, *Mr. Moor*, a Member of the Houſe of Com- B mons, having ſpoken ſome words which ſeemed to reflect upon his Majeſty, they were reported to the Houſe, *viz.* That he ſaid, *We were born free, and muſt continue free, if the King will keep his Kingdom:* Adding theſe words, *Thanks be to God, we haveno occaſion to fear, having a juſt and pious King.* The Houſe for theſe words committed Mr. *Moor* to the *Tower* of *London*; and his Majeſty ſhortly after ſent a meſſage, That he had paſſed by his Offence. Whereupon he was releaſed.

The Duke choſen Chancellor of *Cambridge*, during his Impeachment.

C While the Duke ſtood charged in the Parliament, the Chancellorſhip of *Cambridge* became void by the death of the Lord *Howard*, Earl of *Suffolk*, who dyed on *Whitſunday* the 28 of *May* 1626. The Univerſity having underſtood by ſeveral hands, that it was the Kings expreſs Will and Pleaſure, that the Duke ſhould be choſen in his ſtead, were ambitious and forward to expreſs their Obedience to his Majeſty in that behalf; well knowing, that in regard of their multitude, and worthy Judgment and Wiſdom, that is eſteemed and ought to be in thoſe Electors, this D was one of the moſt honourable Teſtimonies of worth and Integrity, that the Nation can afford: And that whereas all other the Dukes Honours did but help the rather to ſink him with their weight, this would ſeem to ſhore and prop him up.

Letters were pretended to be ſent from his Majeſty, to the intent to diſincourage all Oppoſers: But though the Pretence of Letters ſerved mainly to effect their ends, yet the producing of them would have prejudiced the chief intendment of the Election, namely, the honour of the E Teſtimony in it; which chiefly lying in the Freedom of the Votes, had by Letters been cut off. Many Heads of Houſes beſtirr'd themſelves according to their ſeveral Power and Intereſt in their reſpective Societies; and *Trinity* Colledge alone (the Maſter whereof was Dr. *Maw*, one of the Kings Chaplains) ſupplied the Duke with Forty three Votes, the third part of thoſe which ſerved the Turn; for, he had in all, One hundred and eight.

He was choſen the Thurſday following the Death of his Predeceſſor, F namely, the fourth day after the Vacancy, notwithſtanding fourteen days are allowed by the Univerſity Statute. His chief Strength conſiſted in the Doctors, (whereof ſeventeen were for him, and only one againſt him) and in the Non-Regents, who are Maſters of Art of five years ſtanding and upward: Among the Regents (who are Maſters under five years) thirty more were againſt him than for him, and four whole Colledges

were

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were entire againſt the Duke. For notwithſtanding all the Induſtry that could be employed on his behalf, there was a Party ſo diligent and reſolute, that the ſame morning the choice was made, they joyntly pitch'd upon the Lord *Thomas Howard*, ſecond Son to the late deceaſed Chancellor, and Earl of *Berkſhire*; though they had no Head appearing for him, nor one man in the Univerſity that was known to have any reference to him, excepting one Mr. *Granado Cheſter*, who was either his Chaplain, or otherwiſe intereſſed in him: And notwithſtanding all diſadvantages, they loſt it for the ſaid Earl but by five Voices, for the Duke had but One hundred and eight, and the Earl had one hundred and three, beſides that two of the Dukes were void by Statute, as being given to the Vice-Chancellor by com-promiſe, to diſpoſe of as he ſhould think fit. A

The Earl of *Berkſhire* being afterwards acquainted with the Intentions of the Univerſity towards him, wrote this Letter to Mr. *Cheſter*, a Divine related to his Lordſhip.

B

Mr. *CHESTER*,

The Earl of *Berkſhire*'s Letter to Mr. *Cheſter*, touching Votes, conferred upon him in the Choice of the Chancellor of *Cambridge*.

THE infinite Obligation which I owe to the Univerſity of Cambridge, *for the late moſt ample Teſtimony of their great love and Affection towards me, imboldens me to borrow your help, to make known unto them my unfeined Thankfulneſs: wherein I confeſs, that the love and favour which they have expreſſed unto me, joyned with the Faſhion of it, doth far exceed the weak expreſſion of ſo feeble a Stile as mine is. For they have been pleaſed out of their abundant affection, to name me to one of the greateſt Honours of this Kingdom, without any ſuit or means of mine, which was the Chancellorſhip of the Univerſity: The voting whereof in this noble faſhion, I account it as much as could befall me; and do receive it with as much Thankfulneſs, as if I were in full poſſeſſion of the Place.* C

I muſt therefore intreat you to diſperſe this my thankful Acknowledgment to all my worthy Friends there, who have ſo freely beſtowed their Voices, and unſought for Favours upon me. And this labour I do the rather lay upon you becauſe you know I put you to no making means for me; which I ſhould undoubtedly have done, if I had preconceived any Intention of ſtanding for this Dignity, ſo often wedded by men of high places, and Noble Families of this Realm; whereof my honoured Father deceaſed, enjoyed the laſt Teſtimony, and my Unkle before him; and not ceaſing there, it was expreſſed to me by an hereditary Affection: Thus much I pray you make known for me, with this further Aſſurance, That as I had my firſt Breeding, to my great Honour, in Cambridge, *ſo I will live and dye* D

The true Servant of the Univerſity.

S. James, 2 Junii 1626. E

Berkſhire.

The Commons being informed of the aforeſaid Proceedings in *Cambridge*, directed a Letter to be written to that Univerſity, to ſignifie the Houſes diſlike thereof. Whereupon the King ſignifieth to the Houſe his pleaſure by Sir *Richard Weſton*, that they forbear to ſend any ſuch Letter, for that the Election had been made by the power of the Charters, according to the Rules and Liberties of the Univerſity; and that if there have been any Error in the form of the Election, it belongeth unto his Majeſty to examine and reform it, and not unto the Houſe. To which Meſſage, the Commons return this Anſwer. F

"That

2 Caroli.

The Commons Anſwer.

"THat they do acknowledge they were about to write to the Uni-
"verſity, becauſe that the very Election it ſelf, whereby the U-
"niverſity is committed to the Government of one that is charged, and
"publickly complained of by the Commons in Parliament, whereof
"the Electors are a part, is, in it ſelf, a very great Grievance, and preju-
"dicial in example; whereof they have Reaſon to be the more ſenſible,
"becauſe they are informed, that in the manner of the Election there
A "were many paſſages likewiſe done in contempt of the Houſe: And
"do humbly beſeech his Majeſty to believe, That neither in this, nor
"any other thing, this Houſe did or ſhall intend to enlarge their own
"Power and Juriſdiction, to the Diminution of his Majeſties Right or
"Prerogative.

Whereunto his Majeſty replyed by the ſaid Sir *Richard Weſton.*

His Majeſties Reply.

B "HIS Majeſty ſaith, That *Cambridge* and all Corporations, derive
"their right and priviledge from him; and that he hath reaſon
"to eſteem the Univerſities above any other, and is reſolved to defend
"them againſt any, which either wilfully, or by chance, ſhall go
"about to infringe their Liberties. Concerning the Election it ſelf, his
"Majeſty is far from conceiving it a grievance; for he never heard
"that Crimes objected, were to be taken as proved; or, that a man
"ſhould loſe his Fame or good opinion in the World, upon an Accu-
C "ſation only.
"But whereas you ſay in the manner of carriage of the Election,
"there were many paſſages done in it to the Contempt of the Houſe.
"His Majeſty is well pleaſed, that you enquire and puniſh the Offen-
"ders, if there be any, that have miſ-behaved themſelves in that re-
"ſpect. But for the Election it ſelf, or the form of, it his Majeſty doth
"avow his firſt Meſſage.

D The Duke returned this Acknowledgment to the Univerſity.

The Dukes Letter of Acknowledgment to the Univerſity of *Cambridge.*

MAſter Vice-Chancellor, and Gentlemen of the Univerſity of Cambridge, *There is no one thing that concerneth me more near, than the good opinion of Good and Learned honeſt men: Amongſt which number, as you have ever held the firſt rank in the Eſtimation of the Commonwealth, and Fame of the Chriſtian World; ſo in conferring this honour*
E *of Chancellorſhip upon me, I muſt confeſs you have ſatisfied a great Ambition of mine, which I hope will never forſake me; and that is, To be thought well of by Men that deſerve well, and men of your Profeſſion. Yet I cannot attribute this Honour to any deſert in me, but to the reſpect you bear to the Sacred Memory of my Maſter deceaſed, the King of Scholars, who loved you, and honoured you often with his Preſence, and to my Gracious Maſter now living; who inherits, with his bleſſed Fathers Virtues, the Affection he bore to your Univerſity.*
F *I beſeech you, as you have now made your Choice with ſo many kind and noble Circumſtances, as the manner is to me as acceptable and grateful as the Matter; ſo to aſſure your ſelves, That you have caſt your Votes upon your Servant, who is as apprehenſive of the time you have ſhewed your Affection in, as of the Honour you have given him.*

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And I earneſtly requeſt you all, that you would be pleaſed, not to judge me comparatively by the ſucceſs and happineſs you have had in your former choice of Chancellors; who as they know better perhaps by advantage of Education in your Univerſity, how to value the deſerts of men of your Qualities and Degrees, ſo could they not be more willing to cheriſh you than my ſelf, who will make amends for my want of Scholarſhip, in my Love to the Profeſſors of it, and to the ſource from whence it cometh; having now moſt juſt cauſe more chiefly to employ my utmoſt Endeavours, with what favour I enjoy from a Royal Maſter, to the maintaining of the Charters, Priviledges, and Immunities of your Univerſity in general, and to the advancing of the particular Merits of the Students therein. A

And ſince I am ſo far engaged to you, I will preſume upon a further Courteſie, which is, That you will be pleaſed to ſupply me with your Advice, and ſuggeſt a way unto me (as my ſelf likewiſe ſhall not fail to think on ſome means) how we may make Poſterity remember you had a thankful Chancellor, and that both really loved you and your Univerſity: Which is a Reſolution writ in an honeſt heart, by him that wanteth much to expreſs his Affection to you, who will ever be B

Your faithful Friend
and humble Servant

George Buckingham. C

Alſo the King was pleaſed to write to the Univerſity of *Cambridge*, in approbation of the ſaid Election.

Truſty and well-beloved, We greet you well.

The King's Letter to the ſaid Univerſity.

WHereas upon Our Pleaſure, intimated unto you by the Biſhop of Durham, *for the choice of your Chancellor, you have with much duty, as We expected, highly ſatisfied Us in your Election; We cannot in our Princely Nature (who are much poſſeſſed with this Teſtimony of your ready, and Loyal Affections) but for ever let you know, how much you are therein made Partakers of our Royal Approbation. And as we ſhall ever conceive, that an Honour done to a Perſon We favour, is out of a Loyal Reſpect had unto Our ſelf: And as we ſhall ever juſtifie* Buckingham *worthy of this your Election, ſo ſhall you find the Fruits of it. For We that have found him a faithful Servant to Our dear Father of Bleſſed Memory, and Our ſelf, cannot but undertake that he will prove ſuch an one to you; and will aſſiſt him with a Gracious Willingneſs in any thing that may concern the Good of the Univerſity in general, or the particular Merits of any Students there.* D E

Given under Our Signet at Our Palace of Weſtminſter *the Sixth of* June, *in the Second year of Our Reign.*

F

June 8. Before the Duke gave in his Anſwer on that day, unto the Houſe of Peers, to the Impeachment of the Houſe of Commons, he made this enſuing Speech.

May

2. *Caroli.*

The Duke of *Buckingham's* Speech to the Lords Houſe before he gave in his Anſwer.

My Lords,

"IN a caſe of preſſure conſidered by it ſelf, I have a fair beginning, it
"is a due debt to your Lordſhips for this honourable Favour, in lea-
"ving it to my choice, whether I would anſwer to the particulars
A "in the Aggravation, or not. I may, without leſſening my Obligation,
"ſay, The favour is greater at firſt, it may be yours, or your Poſterities
"hereafter. I have in a manner tied my ſelf to my charge, hoping I gave
"your Lordſhips ſatisfaction in that, the Aggravations being compoſed
"of words, which I hope my actions have not deſerved; and I am ſure,
"my Ears have not been made acquainted with, without ſome diſtra-
"ction of ſpirit; yet I have left nothing of them unanſwered that is ma-
"terial. I have uſed as much ſpeed to come to an anſwer, as convenient-
B "ly I could without prejudice of my cauſe, having my Reputation too
"long upon the ſtage; ad had your Lordſhips called for it ſooner, I had
"been as ready as now I was deſirous, to detain your Lordſhips as little
"as may be (with the expectation of my particular) from weightier
"Buſineſs.

"I was alſo grieved that my buſineſs ſhould be a cauſe of the loſs of
"this year from foreign Attempts, and the hindrance of thoſe reſoluti-
"ons that would have comforted our Friends abroad, and ſecur'd our
C "ſelves at home: But in this my Lords, I am ſure, you will eaſily acquit
"me in your thoughts. When I look upon my Charge in general (as
"they did) without ſearching into the integrity of mine own heart and
"actions, which are yet unknown to moſt of them, I wonder not ſo much
"at their proceedings, the particulars not being voted againſt me, nor
"unanimouſly: but had they taken the means to have been better and
"truſier informed of the particulars, or have given me cauſe to have in-
"formed them, I aſſure my ſelf, they had not troubled your Lordſhips
D "with this Charge: But I confeſs there hath been that conteſtation in
"the Houſe of Commons, concerning my Juſtification, that I cannot
"but acknowledge much favour there from many. And if the Actions
"of ſome others in that Houſe, do not conclude me of a worſe Diſpoſi-
"tion than I ſhall hereafter be found, there is none but may ſay with
"me, *I am at Peace with all.*

"I ſhall only for the preſent, apply my ſelf to the clearing of my Re-
"putation, and for the future, of thoſe Actions and Endeavours which
E "may re-poſſeſs me of that I have counted one of my greateſt Loſſes,
"their good Opinions; I would not ſpeak nor profeſs this before your
"Lordſhips, if Reaſon and my own Diſpoſition did not warrant the
"performance of it.

"For firſt, Who accuſed me? Common Fame. Who gave me up to
"your Lordſhips? The Houſe of Commons.

"The one is too ſubtle a Body, if a Body; the other too great for
"me to conteſt with: And I am confident, when my Cauſe ſhall be
F "tryed, neither the one or the other, or part of either, will be found
"to be my Enemy.

"But as Fame is ſubtle, ſo it is often and eſpecially in Accuſations,
"falſe; therefore the Houſe of Commons have not wronged me: Yet
"I am confident, it will at length be found, that Common Fame hath
"abuſed both them and me.

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"I preſume the Houſe of Commons have proceeded againſt me out "of an hearty and zealous Affection, to do their King and Country Ser- "vice, I hope out of Chriſtian Charity to puniſh and amend my faults, "(if Fame could have proved them) and not to envy my Reputation, or "deſtroy my Fortune. I ſhall never call ſuch proceedings wrong, if "ſeeking to cure my errors, give me opportunity to clear and publiſh "my Innocency: For the State it ſelf, I have little to ſay, it is but a lit- "tle, I will not abuſe your Lordſhips patience. I was born and bread A "in it, I owe it my ſelf; I have been raiſed to Honours and Fortunes "in it (I freely confeſs) beyond my Merits; what I wanted in Suffici- "ency and Experience for the Service of it, I have endeavoured to ſup- "ply by Care and Induſtry.

"And could there be the leaſt alienation hereafter in my heart from "the Service of the State, for any thing that hath paſt, I ſhould be the "ungratefulleſt man living; ſhould but ſuch a thought ſtain my heart "I ſhould be content it were let blood. If my Poſterity ſhould not in- B "herit the ſame Fidelity, I ſhould deſire an Invertion in the Courſe of "Nature, and be glad to ſee them earthed before me. My Anſwer to "the ſeveral points in Charge, I ſhall crave leave to deliver in brief, "and in form of Law, but as naked as Truth loves to be; and ſo I leave "my Self and my Cauſe to your Lordſhips Juſtice.

The humble Anſwer and Plea of George, *Duke of* Buckingham, *to the Declaration and Impeachment made againſt him, before your Lordſhips, by the Commons Houſe of Parliament.* C

His Anſwer and Plea to the Impeachment of the Houſe of Commons.

THE ſaid Duke of *Buckingham* being accuſed, and ſought to be im- D peached before your Lordſhips, of the many Miſdemeanors, Miſ- priſions, Offences, and Crimes, wherewith he is charged by the Commons Houſe of Parliament, and which are compriſed in the Articles preferred againſt him, and were aggravated by thoſe, whoſe Service was uſed by that Houſe in the delivery of them, doth find in himſelf an unexpreſſible preſſure of deep and hearty ſorrow, that ſo great and ſo worthy a Body ſhould have him ſuſpected of thoſe things which are ob- jected againſt him; whereas, had that Honourable Houſe firſt known the very truth of thoſe particulars, whereof they had not there the E means to be rightly informed, he is well aſſured in their own true Judgments, they would have forborn to have charged him therewith.

But the integrity of his own Heart and Conſcience, being the moſt able and moſt impartial Witneſſes, not accuſing him of the leaſt thought of diſloyalty to his Sovereign, or to his Country, doth raiſe his ſpirits a- gain to make his juſt defence before your Lordſhips, of whoſe Wiſdom, Juſtice, and Honour, he is ſo well aſſured, That he doth, with confidence, and yet with all Humbleneſs, ſubmit himſelf and his cauſe to your Ex- F aminations and Judgments, before whom he ſhall with all Sincerity and clearneſs, unfold and lay open the ſecrets of his own Actions, and of his Heart; and in his Anſwer, ſhall not affirm the leaſt Subſtantial, and as near as he can, the leaſt Circumſtantial point, which he doth not believe he ſhall clearly prove before your Lordſhips.

The

2 Caroli.

The Charge conſiſteth of Thirteen ſeveral Articles, whereunto the Duke, ſaving to himſelf the uſual benefit of not being prejudiced by any words or want of form in his Anſwer; but that he may be admitted to make further Explanation and Proof, as there ſhall be occaſion, and ſaving to him all Priviledges and Rights belonging to him, as one of the Peers of the Realm, doth make theſe ſeveral and diſtinct Anſwers following, in the ſame order they are laid down unto him.

A

The Charge touching the Plurality of Offices.

His Charge touching Plurality of Offices.

To the firſt which concerneth the Plurality of Offices which he holdeth, he anſwereth thus, That it is true that he holdeth thoſe ſeveral Places and Offices, which are enumerated in the Preamble of his Charge, whereof, only three are worthy the name of Offices, *viz.* The Admiralty; the Wardenſhip of the Cinque-Ports, and Maſterſhip of the Horſe; the other are rather titulary and Additions of Honour. For theſe Offices he humbly and freely acknowledgeth the bounty and Goodneſs of his moſt gracious Maſter who is with God; who when he had caſt an Eye of Favour upon him, and had taken him into a more near place of Service about his Royal Perſon, was more willing to multiply his Graces and Favours upon him, than the Duke was forward to aſk them; and for the moſt part (as many honourable perſons, and his now moſt excellent Majeſty, above all others, can beſt teſtifie) did prevent the very deſires of the Duke in asking: and all theſe particular places, he can and doth truly affirm, his late Majeſty did beſtow them of his own Royal Motion (except the Wardenſhip of the Cinque-Ports only) and thereto alſo he gave his Approbation and Encouragement.

B

C

And the Duke denyeth, that he obtained theſe places either to ſatisfie his exorbitant Ambition, or his own profit or Advantage, as is objected againſt him: And he hopeth he ſhall give good Satisfaction to the contrary, in his particular Anſwers enſuing, touching the manner of his obtaining the places of the Admiralty, and the Wardenſhip of the Cinque-Ports, whereunto he humbly deſireth to refer himſelf. And for the Maſterſhip of the Horſe to his Majeſty, he ſaith, it is a mere domeſtick Office of attendance upon the Kings perſon, whereby he receiveth ſo [illegible] Profit; yet but as a Conveniency to render him more fit for his continual Attendance; and in that place, the times compared, he hath retrenched the Kings annual Charge to a conſiderable value, as ſhall be made apparent.

D

And for the number of places he holdeth, he ſaith, That if the Commonwealth doth not ſuffer thereby, he hopeth he may without blame, receive and retain that, which the liberal and bountiful hand of his Maſter hath freely conferred upon him: And it is not without many Preſidents, both in ancient and modern times, That one man eminent in the Eſteem of his Sovereign, hath at one time held as great and as many Offices: But when it ſhall be diſcerned, that he ſhall falſly or corruptly execute thoſe places, or any of them, or that the Publick ſhall ſuffer thereby; he is ſo thankful for what he hath freely received, that whenſoever his Gracious Maſter ſhall require it, without diſputing with his Sovereign, he will readily lay down at his Royal Feet, not only his Places and Offices, but his whole Fortunes and his Life, to do him Service.

E

F

For

An. 1626.

For his buying of the Admiral's place, the ſaid Duke maketh this clear and true Anſwer.

His Charge touching his buying the Admirals place.

That it is true, that in *January*, in the ſixteenth year of his late Majeſties Reign, his late Majeſty did by his Letters Pattents under the Great Seal of *England*, grant unto the Duke the Office of Admiralty for his life; which Grant, as he well knoweth it, was made freely and without any Contract or Bargain with the late Lord Admiral, or any other; and upon the voluntary Surrender of that noble and well-deſerving Lord, ſo he is adviſed it will appear to be free from any defect in Law, by reaſon of the Statute of 5 *Edw.* 6. mentioned in the Article of his Charge, or for any other cauſe whatſoever: For he ſaith, the true manner of his obtaining this Office, and of all the paſſages thereof, which he is ready to make good by Proof, was thus; That honourable Lord, the late Earl of *Nottingham*, the Lord Admiral, being grown much in years, and finding that he was not then ſo able to perform that which appertained to his place, as in former times he had done to his great honour; and fearing leſt his Majeſties Service, and the Commonwealth might ſuffer by his defect, became an humble and earneſt Petitioner to his late Majeſty, to admit him to ſurrender his Office. His late Majeſty was at the firſt unwilling unto it, out of his Royal Affection to his perſon, and true Judgment of his worth: But the Earl renewed his Petitions, and in ſome of them, nominated the Duke to be his Succeſſor, without the Dukes privity or fore-thought of it. And about that time, a Gentleman of good place about the Navy, and of long experience, of himſelf came to the Duke, and earneſtly moved him to undertake the place. The Duke apprehending the weight of the place, and conſidering his young years, and want of Experience to manage ſo great a charge, gave no ear unto it; but excuſed it, not for form, but really and ingenuouſly out of the apprehenſion of his then unfitneſs for it. The Gentleman not thus ſatisfied, without the Duke applied himſelf to the late King, and moved his Majeſty therein, and offered Reaſons for it, That the Duke was the fitteſt man at that time, and as the State of the Navy then ſtood, for that place; for he ſaid, it was then a time of Peace. That the beſt ſervice that could de done for the preſent, was to repair the Navy and Ships Royal, which then were much in decay, and to retrench the Kings charge and to employ it effectually; and that before there was like to be perſonal uſe of Service, otherwiſe the Duke being young and active, might gain experience, and make himſelf as fit as any other; and that in the mean time, none was ſo fit as himſelf, having the opportunity of his Majeſties Favour and means to his Perſon, to procure a conſtant aſſignment and payment of Moneys for the Navy; the want whereof, was the greateſt Cauſe of the former defects.

A B C D E F

Theſe Reaſons perſwaded his late Majeſty, and upon his Majeſties own motion, perſwaded the Duke to take the Charge upon him: And thereupon, the Earl voluntarily, freely, willingly, and upon his own earneſt and often Suit, ſurrendred the place without any Preſident, Contract, or Promiſe whatſoever; which might render the Duke in the leaſt degree ſubject to the danger of the Law (which was not then ſo much as once thought upon) and upon that Surrender, the grant was made to the Duke. But it is true, That his Majeſty out of his Royal Bounty, for recompence of the long and faithful Service of the ſaid Earl, and for an honour-

honourable memory of his deſerts to him. And the Crown of *England*, did grant him a Penſion of one thouſand pounds *per annum*, for his life; which in all Ages hath been the Royal way of Princes, wherewith to reward ancient and well-deſerving Servants in their elder years; when without their own faults they are become leſs ſerviceable to the State: And the Duke alſo voluntarily and freely, and as an argument of his noble Reſpect towards ſo honourable a Predeceſſor, whom to his death he called Father; whoſe Eſtate as he then underſtood, with his late Majeſties privity and approbation, did ſend him three thouſand pounds in money, which he hopeth no perſon of worth and honour, will eſteem to be an act worthy of blame in him. And when the Duke had thus obtained this place of great truſt, he was ſo careful of his duty, that he would not relie upon his judgment or ability, but of himſelf humbly beſought his then Majeſty, to ſettle a Commiſſion of fit and able perſons for the Affairs of the Navy; by whoſe Council and Aſſiſtance, he might manage that weighty buſineſs with the beſt advantage for his Majeſties Service; which Commiſſion was granted, and yet continueth, and without the Advice of thoſe Commiſſioners, he hath never done any thing of moment; and by their advice and Induſtry, he hath thus husbanded the Kings money, and furthered the Service, that where before the ordinary Charge of the Navy was Fifty four thouſand pounds *per annum*, and yet the Ships were very much decayed, and their proviſions neglected, the charge was returned to Thirty thouſand pounds *per annum*, and with that charge, the Ships all repaired and made ſerviceable, and two new Ships builded yearly; and for the two laſt years, when there were no new Ships built, the ordinary charge was reduced to Twenty one thouſand ſix hundred pound *per annum*. And now he dare boldly affirm, that his Majeſties Navy is in better ſtate by much, than ever it was in any precedent time whatſoever. 2 *Caroli.*

For his buying of the Wardenſhip of the Cinque-Ports, he maketh this plain, ingenuous, and true Anſwer.

The Charge touching his buying the Wardenſhip of the Cinque-Ports.

That in *December*, in the two and twentieth year of his late Majeſties Reign, he obtained the Office of Lord Warden of the Cinque-ports, and Conſtable of the Caſtle of *Dover*, (being one entire Office) upon the Surrender of the Lord *Zouch*, then Lord Warden.

The manner of obtaining whereof, was thus, The Lord *Zouch* being grown in years, and with his almoſt continual lameneſs, being grown leſs fit for that place, he diſcovered a willingneſs to leave it, and made ſeveral offers thereof to the Duke of *Richmond*, and *Richard* Earl of *Dorſet*, deceaſed; but he was not willing to part with it, without Recompence. Notice whereof coming to the Duke, by an offer made from the Lord *Zouch*, he finding by experience how much, and how many ways both the Kings Service might and many times did ſuffer; and how many Inconveniences did ariſe to the Kings Subjects, in their Goods, Ships, and Lives, by the intermixture of the Juriſdictions of the Admiralty and Wardenſhip of the Cinque-ports, by the emulation, diſaffection, and contention of their Officers, as clearly appear by theſe particulars, amongſt many others which may be inſtanced.

1. Where the Admiral-Juriſdiction extends generally to all the Narrow Seas, the Warden of the Cinque-ports hath and exerciſeth Admiral-Juriſdiction on all the Sea-Coaſts, from *Show Beacon* in *Eſſex*, to

An 1626. to the Red Noor in *Suſſex*; and within thoſe Limits there have been continual differences between the Lord Admiral and the Lord Warden, whether the Lord Wardens Juriſdiction extends into the main Sea, or only as far as the low Water-marke, and ſo much further into the Sea, as a man on Horſe-back can reach with a Launce, which occaſioneth Queſtions between thoſe chief Officers themſelves.

2. There are many and continual differences in executing of Warrants againſt Offenders: the Officers of the one, refuſing to obey or A aſſiſt the Authority of the other; whereby the Offenders protected or countenanced by either, eaſily eſcape.

3. Merchants and Owners of Goods queſtioned in the Admiralty, are often enforced to ſue in both Courts, and often enforced, for their peace, to compound with both Officers.

4. The Kings Service is much hindred; for the moſt uſual and ordinary Rendevouz of the Kings Ships, being at the *Downs*, and that being within the Juriſdiction of the Lord Warden, the Lord Admiral or B Captains of the Kings Ships, have no power or warrant to preſs men from the Shore, if the Kings Ships be in diſtreſs.

5. When the Kings Ships, or others, be in danger on the *Goodwins*, and other places within the view of the Portſmen, they have refuſed to help with their Boats, leſt the Kings Ships ſhould command them on board, whereby many Ships have periſhed, and much Goods have been loſt.

6. When Warrants come to preſs a Ship at *Road* for the Kings Ser- C vice, the Officers take occaſion to diſobey the Warrants, and prejudice the Kings Service. For if the Warrant come from the Lord Warden, they will pretend the Ship to be out of their Juriſdiction; if the Warrant come from the Lord Admiral, they will pretend it to be within the Juriſdiction of the Cinque-Ports: And ſo whilſt the Officers diſpute, the opportunity of the Service is loſt.

7. When the Kings Ships lye near the Ports, and the men come on ſhore, the Officers refuſe to aſſiſt the Captains to reduce them to the D Ships, without the Lord Wardens Warrant.

8. If the Kings Ships, on the ſudden, have any need of Pilots for the Sands, Coaſts of *Flanders*, or the like, wherein the Ports-men are beſt experienced, they will not ſerve without the Lord Wardens, or his Lieutenants Warrant, who perhaps are not near the place.

9. When for great occaſions for the Service of the State, the Lord Admiral and Lord Warden muſt both joyn their Authority; if the Officers for want of true underſtanding of their ſeveral Limits and Ju- E riſdictions, miſtake their Warrants, the Service, which many times can endure no delay, is loſt, or not ſo effectually performed.

For theſe and many other Reaſons of the like kind, the Duke not being led, either with ambition or hope of profit, as hath been objected, (for it could be no increaſe of honor to him, having been honored before with a greater place; nor of profit, for it hath not yielded him in any matter any profit at all, nor is like to yield him above 300 pounds *per annum* at any time) but out of his deſire to make himſelf the more able F to do the King and Kingdom Service, and prevent all differences and difficulties which heretofore had, or hereafter might hinder the ſame. He did entertain that motion, and doth confeſs, that not knowing, or ſo much as thinking of the ſaid Act of Parliament before mentioned, he did agree to give the ſaid Lord one thouſand pounds in money, and five hundred

hundred pounds *per annum*, in reſpect of his Surrender, he not being willing to leave his Place without ſuch conſideration, nor the Duke willing to have it without his full ſatisfaction; and the occaſion why the Duke of *Buckingham* gave that conſideration to the Lord *Zouch*, was, becauſe the Duke of *Richmond* in his life-time had firſt agreed to give the ſame conſideration for it; and if he had lived, he had had that Place upon the ſame terms: And when the ſaid Duke of *Richmond* was dead, his late
A Majeſty directed the Duke of *Buckingham* to go through for that Place, and for the Reaſons before mentioned, to put both theſe Offices together, and to give the ſame conſideration to the ſaid Lord, which the Duke of *Richmond* ſhould have given, and his late Majeſty ſaid, he would repay the money. And how far this act of his, in acquiring this Office, accompanied with theſe Circumſtances, may be within the danger of the Law, the King being privy to all the paſſages of it, and incouraging and directing it, he humbly ſubmitteth to your judgment; and he humbly leaves it to
B your Lordſhips judgments, in what third way an antient Servant to the Crown, by age or infirmity, diſabled to perform his Service, can in an honourable courſe relinquiſh his Place; for if the King himſelf give the Reward, it may be ſaid it is a charge to the Crown; if the ſucceeding Officer gave the Recompence, it may thus be objected to be within the danger of the Law: And whoſever it be, yet he hopeth it ſhall not be held in him a Crime, when his intentions were juſt and honourable, and for the futherance of the King's ſervice, neither is it without preſident,
C that in former times of great employment, both theſe Offices were put into one hand by ſeveral Grants.

The Charge touching the not guarding the Seas.

To this Article, whereby the not guarding of the Narrow Seas in theſe laſt two years by the Duke, according to the truſt and duty of an Admiral, is laid to his charge; whereof the conſequence, ſuppoſed to have been meerly through his default, are the ignominious infeſting of the Coaſts with Pirats and Enemies, are the endangering of the Dominion of theſe Seas, the extreme loſs of the Merchants, and the decay of the
D Trade and Strength of the Kingdom.

The Duke maketh this Anſwer, That he doubteth not but he ſhall make it appear, to the good ſatisfaction of your Lordſhips, that albeit there hath hapned much loſs to the King's Subjects within the ſaid time of two years, by Pirats & Enemies, yet that hath not hapned by the neglect of the Duke, or want of care and diligence in his place: For whereas in former times the ordinary Guard allowed for the Narrow Seas hath
E been but four Ships, the Duke hath, ſince Hoſtility begun, and before, procured their number to be much increaſed; for ſince *June*, 1624. there hath never been fewer than five of the King's Ships, and ordinarily ſix, beſides Pinnaces, Merchants Ships, and Drumblers, and ſince open Hoſtility, eight of the King's Ships, beſides Merchants of great number, and Pinnaces, and Drumblers; and all theſe well furniſhed and manned, ſufficiently inſtructed and authoriſed for the ſervice. He ſaith, He hath from time to time, upon all occaſions, acquainted his Majeſty, and the Council-
F Board therewith, and craved their advice, and uſed the aſſiſtance of the Commiſſioners for the Navy in this ſervice: And for the Dunkirkers, who have of late infeſted theſe Coaſts more than in former years, he ſaith, There was that providence uſed for the repreſſion of them, that his Majeſty's Ships and the Hollanders joyning together, the Port of *Dunkirk* was blocked up, and ſo ſhould have continued, had not a ſudden Storm

An. 1626.

diſperſed them, which being the immediate hand of God, could not by any policy of man be prevented; at which time, they took the opportunity to rove abroad, but it hath been ſo far from endangering the Dominion of the Narrow Seas thereby, as is ſuggeſted, that his Majeſty's Ships or Men of War, were never yet maſtered, nor encountred by them, nor will they endure the ſight of any of our Ships; and when the Duke himſelf was in perſon, the Dunkirkers run into their Harbours. But here is a neceſſity, that according to the Fortune of Wars, interchangeable loſſes will happen; yet hitherto notwithſtanding their more than wonted inſolency, the loſs of the Enemies part hath been as much, if not more, than what hath hapned to us, and that loſs that hath faln, hath chiefly come by this means, that the Dunkirkers Ships being of late years exerciſed in continual hoſtility with the Hollanders, are built of a Mold as fit for flight as for fight; and ſo they pilfer upon our Coaſts, and creep to the ſhore, and eſcape from the King's Ships: but to prevent that inconvenience for the time to come, there is already order taken for the building ſome Ships, which ſhall be of the like Mold, light and quick of Sail, to meet with the adverſe party in their own way. And for the Pirates of *Sallie*, and thoſe parts, he ſaith, it is but very lately that they found the way unto our Coaſts, where, by ſurpriſe, they might eaſily do hurt; but there hath been that proviſion taken by his Majeſty, not without the care of the Duke, both by force and treaty to repreſs them for the time to come, as will give good ſatisfaction. All which he is aſſured will clearly appear upon proof.

A B C

The Charge touching the unjuſt ſtay of the Ship of *Newhaven*, called the St. *Peter*, after Sentence.

To this Article the Duke maketh this Anſwer, That about *September* laſt, this Ship called the St. *Peter* (amongſt divers others) was ſeiſed on as a lawful Prize by his Majeſty's Ships and brought into *Plimouth*, as Ships laden by the Subjects of the King of *Spain*; in the end of *October*, or beginning of *November*, they were all brought to the *Tower* of *London*, all of them were there unladen; but the *Peter*, and the bulk of her Goods was not ſtirred, becauſe they were challenged by the Subjects of the French King; and there did not then appear ſo much proof againſt her, and the Goods in her, as againſt the reſt. About the middle of *November*, Allegations were generally put in againſt them all in the Admiralty Court, to juſtifie the ſeiſure; and all the Pretendants were called in upon theſe proceedings, divers of the Ships and Goods were condemned, and divers were releaſed in a legal courſe; and others of them were in ſuſpence till full proof made. The Eighth and twentieth day of *December*, complaint was made on the behalf of ſome Frenchmen at the Council-board, concerning this Ship and others, when the King, by advice of his Council (his Majeſty being preſent in Perſon) did order, That the Ship of *Newhaven*, called the *Peter*, and the Goods in her, and all ſuch other Goods of the other Prizes, as ſhould be found to appertain to his Majeſty's own Subjects, or to the Subjects of his good Brother the French King, or the States of the United Provinces, or any other Princes or States in Friendſhip or Alliance with his Majeſty, ſhould be delivered: But this was not abſolute, as is ſuppoſed by the Charge, but was thus qualified, ſo as they were not fraudulently coloured; and it was referred to a judicial proceeding.

D E F

According to this juſt and honourable Direction, the King's Advocate proceeded upon the general Allegations formerly put in the 26 of *Jan.* after there was a Sentence in the Admiralty, that the *Peter* ſhould be diſcharged

2 *Caroli.*

charged, and the King's Advocate not having then any knowledge of further proof, conſented to it. But this was not a definitive Sentence, but a Sentence Interlocutory, as it is termed in that Court. Within few days after, this Ship prepared her ſelf to be gone, and was falling down the River: Then came new Intelligence to the Lord Admiral, by the Lieutenant of the *Tower*, That all thoſe Ships were laden by the Subjects of the King of *Spain*; that the *Amirantaſco* waſted them beyond the North
A Cape; that they were but coloured by Frenchmen; that there were Witneſſes ready to make good this new Allegation: neither was it improbable to be ſo; for part of the goods in that Ship have been confeſſed to be lawful Prize. This Ship being now fallen down the River, and being a Ship of the moſt value of all the reſt, the Duke acquainted the King therewith, and by his commandment made ſtay of the Ship, leſt otherwiſe it would be too late; which the Duke, in the duty of his place of Admiral, as he believeth, ought to have done, without ſuch com-
B mand: And if he had not done ſo, he might worthily have been blamed for his negligence; and then inſtantly he ſent for the Judge of the Admiralty, to be informed from him, how far the Sentence already paſt, did bind, and whether it might ſtand with Juſtice to make ſtay of her again, ſhe being once diſcharged in ſuch manner as before. The Judge anſwered, as he was adviſed, That it might juſtly be done, upon better proofs appearing: yet diſcreetly, in a matter of that moment, he took time to give a reſolute Anſwer, that in the interim he might review the Acts
C which had paſſed. The next day, or very ſhortly after, the Judge came again to the Duke, and, upon advice, anſwered reſolutely, That the Ship and Goods might juſtly be ſtayed, if the proofs fell out to be anſwerable to the Informations given; whereof, he ſaid, he could not judge, till he had ſeen the Depoſitions. And according to this reſolution of the Judge, did five other learned Advocates, beſides the King's Advocate, concurr in opinion, being intreated by the Duke to adviſe thereof; ſo cautious was the Duke not to do any unjuſt Act. Then he acquainted
D the King again therewith, and his Majeſty commanded him to reſeize this Ship, and to proceed judicially to the proofs; and the Duke often required the King's Advocate to haſten the examination of the Witneſſes; and many Witneſſes were produced and examined, in purſuance of this new Information. But the French Merchants, impatient of any delay, complain'd again to the Council-Board, were it was order'd, not barely, That the Ship and Goods ſhould be preſently delivered, but ſhould be delivered upon ſecurity; and upon ſecurity ſhe had been then deli-
E vered, if it had been given; and ſecurity was once offered, but afterwards retracted: And when all the Witneſſes produced were examined, and publiſhed, the King's Advocate having duly conſidered of them, forthwith acquainted the Duke, that the Proofs came too ſhort for the *Peter*; and thereupon the Duke iuſtantly gave order for her final diſcharge, and ſhe was diſcharged by order of the Court accordingly.

By which true Narration of the Fact, and all the proceedings, the Duke hopeth it will ſufficiently appear, that he hath not done any thing
F herein, on his part, which was not juſtifiable, and grounded upon deliberate and well-adviſed Councils and Warrant. But for the doing of this to his own lucre and advantage, he utterly denieth it; for he ſaith, that there was nothing removed out of the Ship, but ſome Moneys, and ſome ſmall Boxes of Stone of very mean value, and other ſmall portable things lying above the Deck, eaſily to be imbezelled: And whatſoever

An. 1626. was taken out of the Ship, was firſt publickly ſhewed to his Majeſty himſelf, and thence committed to the cuſtody of *Gabriel Marſh*, in the Article mentioned, by Inventory, then and ſtill Marſhal of the Admiralty, by him to be ſafely kept; whereof the money was employed for the Kings immediate Service, and by his direction, and the reſt was left in ſafe keeping, and are all ſince delivered, and re-imburſed to the Owners, or pretended Owners thereof; and not a penny profit thereof, or thereby, hath come to the Duke himſelf, as ſhall be made good by proof: And whereas the Suggeſtion hath been made, that this Accident was the Cauſe of the Imbargo of the Ships and Goods of our Merchants trading in *France*, he ſaith, That it is utterly miſtaken; for divers of their Goods were embargued before this hapned; and if, in truth, the *French* had therein received that, as either they pretend, or is pretended from them; yet the embarguing of the Goods of the *Engliſh* upon that occaſion, was utterly illegal and unwarrantable; for by the mutual Articles between the two Kings, they ought not to have righted themſelves before Legal Complaint, and a denial on our part; and then by way of Repriſal, and not by Imbargo. So that the Duke doth humbly leave it to the Conſideration of your Lordſhips, whether the harm which hath hapned to your Merchants, hath not been more occaſioned by the unſeaſonable juſtifying of the Actions of the *French*, which animated them to increaſe their Injuries, than by an act, either of the Duke, or any other. A B

The Charge touching his Extortion of Ten thouſand pounds from the *Eaſt-India* Company, with the abuſe of the Parliament.

To this Article, which conſiſteth of two main points, the one of the extorting of ten thouſand pounds unjuſtly, and without right, from the *Eaſt India* Company; the other, admitting the Duke had a right, as Lord Admiral, the compaſſing it by undue ways, and abuſing the Parliament, to work his private ends; the Duke giveth this Anſwer, wherein a plain Narration of the Fact, he hopeth, will clear the matters objected; and in this he ſhall lay down no more, than will fully appear upon proof. C

About the end of *Michaelmas* Term, 1623. the Duke had Information given him by a principal Member of their own Company, that the Company had made a great advantage to themſelves in the Seas of *Eaſt-India*, and other parts of *Aſia* and *Africa*, by rich Prizes gotten there forcibly from the *Portugals*, and others; and a large part thereof was due to his Majeſty, and to the Duke as Admiral, by the Law; for which, neither of them had any ſatisfaction. Whereupon, directions were given for a legal proſecution in the Court of Admiralty, and to proceed in ſuch matters as ſhould be held fitteſt by the Advice of Council. D

In the months of *December* and *January*, in that year, divers Witneſſes were examined in the Admiralty, according to the ordinary courſe of that Court, to inſtruct and furniſh Informative Proceſſes in this behalf. After the tenth of *March*, 1623. An Action was commenced in the Court, in the joynt names of his Majeſty and the Admiral, grounded upon the former Proceeding; this was proſecuted by the King's Advocate, and the Demand at firſt was 15000 pounds. The Action being thus framed in both their names, by advice of Council, becauſe it was doubted in the Judgment of the Council, whether it did more properly belong to the one, or the other, or to both; and the form of Entring that Action being moſt uſual in that Court, on the Eight and twentieth of *April*. 1624. the Judicial Agreement and Sentence paſſed thereupon in the Admiralty Court, wherein the Companies conſent, and their own Offer plainly appeareth; ſo that for the ſecond part of the right, it E F

were

2 Caroli.

were very hard to conclude, that the Duke had no right, contrary to the Companies own conſent, and the Sentence of the Court, grounded on their Agreement; unleſs it ſhall fully appear, that the Company was by ſtrong hand enforced thereto, and ſo the Money extorted.

Therefore to clear that ſcruple, That as the matter of the Suit was juſt, or at leaſt ſo probable, as the Company willingly deſired it for their peace, ſo the manner was as juſt and honourable, your Lorſhips are humbly entreated to obſerve theſe few true Circumſtances. The Suit in the A Admiralty began divers months before the firſt mention of it in Parliament; and ſome months before the beginning of it in that Parliament, it was proſecuted in a legal courſe, and upon ſuch grounds as will yet be maintained to be juſt. The Compoſition made by the Company, was not moved by the Duke, but his late Majeſty, on the behalf of himſelf, & of the Duke, treated with divers Members of the Company about it, and the Duke himſelf treated not at all with them. The Company, B without any compulſion at all, agreed to the compoſition; not that they were willing to give ſo much, if they might have eſcaped for nothing; but that they were willing to give ſo much, rather than to hazard the ſucceſs of the Suit: and upon this compoſition, concluded by his Majeſty, the Company deſired and obtained a Pardon for all that was objected againſt them. The Motion in Parliament about the ſtay of the Companies Ships then ready prepared and furniſhed, was not out of any reſpect to draw them the rather to give the compoſition, but really out of an C apprehenſion, that there might be need of their ſtrength for the defence of the Realm at home; and if ſo, then all private reſpects muſt give way to the publick Intereſt. Theſe Ships, upon the Importunity of the Merchants, and reaſons given by them, were ſuffered nevertheleſs to fall down to *Tilbury*, by his late Majeſties direction, to ſpeed their Voyage the better, whilſt they might be accommodated for this Voyage, without prejudice to the publick ſafety, they were diſcharged when there was an Accommodation propounded and allowed, which was, That they ſhould D forthwith prepare other Ships for the home ſervice, whilſt thoſe went over with their Voyage; which they accordingly did. That the Motion made in the Commons Houſe, was without the Duke's knowledge or privity. That when there was a rumor, that the Duke had drawn on the compoſition by ſtaying of the Ships which were then gone, the Duke was ſo much offended thereat, that he would have had the former Communication to have broken off, and have proceeded in a legal Courſe, and he ſent to the Company to that purpoſe; but the Company gave E him ſatisfaction, that they had raiſed no ſuch rumor, nor would, nor could avow any ſuch thing, and entreated him to reſt ſatisfied with ſuch publick acts to the contrary. That after this, their Ships being gone, themſelves careful of their future ſecurity, ſollicited the Diſpatch of the compoſition, conſulted with Council about the Inſtruments which paſſed about it, and were at the charge thereof, and the money was paid long after the Sentence, and the Sentence given after the Ships were gone, and no ſecurity given at all for the money, but the Sentence; and F when this money was paid to the Duke, the whole Sum (but 200 *l.* thereof only) was borrowed by the King, and employed by his own Officers, for the ſervice of the Navy. If theſe things do, upon proof, appear to your Lordſhips, as is aſſured they will, he humbly ſubmitteth it to your Judgments, how far verbal Affirmations or Informations extrajudicial, ſhall move your Judgments, when judicial Acts,

and

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and thoſe things which were acted and executed, prove the contrary.

The Charge touching his putting the Ships into the hands of the *French*.

To this Article, which is ſo mixt with Actions of great Princes, as that he dareth not in his duty, publiſh every paſſage thereof, he cannot for the preſent make ſo particular an Anſwer as he may, hath, and will do to the reſt of his Charge. But he giveth this general Anſwer, the truth whereof, he humbly prayeth may rather appear to your Lordſhips by the proofs, than by any diſcourſe of his; which, in Reaſon of State, will happily be conceived fit to be more privately handled.

Since the Duke's Anſwer delivered into the Houſe, he hath himſelf openly declared to their Lordſhips, that for the better clearing of his Honour and Fidelity to the State, in that part of his Charge which is objected againſt him by this Seventh Article, he hath been an earneſt and humble Suitor to his Majeſty, to give him leave in his Proofs, to unfold the whole Truth and Secret of that great Action; and hath obtained his Majeſties gracious leave therein: and accordingly doth intend to make ſuch open and clear Proof thereof, that he nothing doubteth, but the ſame, when it ſhall appear, will not only clear him from blame, but be a Teſtimony of his Care and Faithfulneſs in ſerving the State.

A

That theſe Ships were lent to the *French* King at firſt, without the Duke's privity: That when he knew it, he did that which belonged to an Admiral of *England*, and a true *Engliſh* man: And he doth deny, that by menace, or compulſion, or any other indirect or undue practiſe or means, he, by himſelf, or by any others, did deliver thoſe Ships, or any of them, into the hands of the *French*, as is objected againſt him: That the Error which did happen, by what direction ſoever it were, was not in the intention any ways injurious, or diſhonourable, or dangerous to this State, or prejudicial to any private man, intereſſed in any of thoſe Ships; nor could have given any ſuch offence at all, if thoſe Promiſes had been obſerved by others, which were profeſſed and really performed by his Majeſty and his Subjects on their Parts.

B

C

The Charge touching his practiſe of the Employment of them againſt *Rochel*.

To this Article wherewith he is taxed, to have practiſed for the employment of the Ships againſt *Rochel*, he anſwereth,

That he was ſo far from practiſing or conſenting, that the ſaid Ships ſhould ſo be employed, that he ſhall make it clearly to appear, that when it was diſcovered, that they would be employed againſt thoſe of the Religion, the Proteſtation of the *French* King being otherwiſe, and their pretence being, That there was a Peace concluded with thoſe of the Religion, and that the *French* King would uſe thoſe Ships againſt *Genoa*; which had been an Action of no ill Conſequence to the affairs of Chriſtendom: The Duke did by all fit and honourable means, endeavour to divert that courſe of their Employment againſt *Rochel*. And he doth truly and boldly affirm, That his endeavours under the Royal Care of his moſt Excellent Majeſty, have been a great part of the means to preſerve the Town of *Rochel*, as the Proofs, when they ſhall be produced, will make appear. And when his Majeſty did find, that, beyond his Intention, and contrary to the faithful promiſes of the *French*, they were ſo miſ-employed, he found himſelf bound in Honour, to intercede with the moſt Chriſtian King, his good Brother, for the Peace of that Town, and of the Religion, leſt his Majeſty's Honour might otherwiſe ſuffer: Which Interceſſion his Majeſty did ſo ſeduloufly and ſo ſucceſsfully purſue, that the Town, and the Religion there, do, and will acknowledge the Fruits thereof.

D

E

And whereas it is further objected againſt him, That when in ſo unfaithful a manner he had delivered thoſe Ships into the power of a Foreign State, to the danger of the Religion, and ſcandal and diſhonour of our Nation, which he utterly denieth to be ſo: That to maſk his ill intentions, in cunning & cautelous manner, he abuſed the Parliament at *Oxford*, in affirming before the Committees of both Houſes, That the ſaid Ships were

F

were not, nor ſhould be ſo uſed or employed; he ſaith, (under the favour of thoſe who ſo underſtood his words) That he did not then uſe thoſe words, which are expreſſed in the Charge to have been ſpoken by him; but there being then a jealouſie of the mis-employing of thoſe Ships, the Duke having no knowledge thereof, and knowing well what the promiſes of the French King were, but was not then ſeaſonable to be publiſhed, he hoping they would not have varied from what was promiſed, did ſay, That the event would ſhow it was no undertaking for them, but a Declaration of that in general terms which ſhould really have been performed, and which his Majeſty had juſt cauſe to expect from them. *An.* 1626.

A

That the Duke did compel the Lord *R.* to buy his Title of Honour, he utterly denieth; and he is very confident, that the Lord *R.* himſelf will not affirm it, or any thing tending that way. Neither can he, nor any man elſe, truly ſay ſo. But the ſaid Duke is able to prove, that the Lord *R.* was before willing to have given a much greater ſum, but could not then obtain it; and he did now obtain it by ſollicitation of his own Agents. The Charge touching the compelling the Lord R. to buy Honour.

B

For the ſelling of Places of Judicature by the Duke, which are ſpecially inſtanced in the Charge, he anſwereth, That he receiveth not, or had a penny of either of thoſe ſums to his own uſe; but the truth is, the Lord *M.* was made Lord Treaſurer by his late Majeſty, without contracting for any thing for it; and after that he had the Office conferred upon him, his late Majeſty moved him to lend him Twenty thouſand pounds, upon promiſe of repayment at the end of a year; the Lord *M.* yielded it, ſo as he might have the Dukes word, that it ſhould be repayed unto him accordingly: The Duke gave his word for it; the Lord *M.* relied upon it, and delivered the ſaid ſum to the hands of Mr. *Porter*, then attending upon the Duke, by the late King's appointment, to be diſpoſed as his Majeſty ſhould direct. And according to the King's direction, that very money was fully paid out to others, and the Duke neither had, nor diſpoſed of a penny thereof to his own uſe, as is ſuggeſted againſt him. The Charge touching his ſelling of Places of Judicature.

C

D

And afterwards when the Lord *M.* left that place, and his money was not repayed unto him, he urged the Duke upon his promiſe; whereupon the Duke being jealous of his Honour, and to keep his word, not having money to pay him, he aſſured Lands of his own to the Lord *M.* for his ſecurity. But when the Duke was in *Spain*, the Lord *M.* obtained a promiſe from his late Majeſty of ſome Lands in Fee-farm, to ſuch a value, as he accepted of the ſame in ſatisfaction of the ſaid money, which were afterwards paſſed unto him; and at the Duke's return, the Lord *M.* delivered back unto him the ſecurity of the Dukes Lands, which had been given unto him as aforeſaid.

E

And for the Six thouſand pounds ſuppoſed to have been reeeived by the Duke, for procuring to the Earl of *M.* the Maſterſhip of the Wards, he utterly denieth it; but afterwards he heard, that the Earl of *M.* did diſburſe Six thouſand pounds about that time, and his late Majeſty beſtowed the ſame upon Sir *Henry Mildway* his Servant, without the Duke's privity, and he had it, and enjoyed it, and no penny thereof came to the ſaid Duke, or to his uſe.

F

To

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The Charge touching his procuring of Honours for his poor Kindred.

To this Article the Duke anſwereth, That it is true, that his late Majeſty, out of his Royal favour unto him, having honoured the Duke himſelf with many Titles and Dignities of his bounty; and as a greater argument of his Princely Grace, did alſo think fit to honour thoſe, who were in equal degree of Bloud with him, and alſo to enoble their Mother, who was the Stock that bare them.

The Title of Counteſs of *Buckingham*, beſtowed upon the Mother was not without preſident, and ſhe hath nothing from the Crown but a Title of Honour, which dieth with her.

The Titles beſtowed on the Viſcount *P.* the Dukes Elder Brother, were conferred upon him, who was a Servant of the Bed-chamber to his now Majeſty, then Prince, by his Highneſs means; the Earl of *A.* was of his late Majeſty's Bed-chamber, and the Honours and Lands conferred on him, was done when the Duke was in *Spain*.

The Earl of *D.* hath the Honours mentioned in the Charge, but he hath not a foot of Land which came from the Crown, or the King's Grant.

But if it were true, that the Duke had procured Honours for thoſe who are ſo near and dear unto him, the Law of Nature, and the King's Royal favour, he hopeth, will plead for his excuſe; and he rather believeth he were worthy to be condemned in the opinion of all generous minds, if being in ſuch favour with his Maſter, he had minded onely his own advancement, and had neglected thoſe who were neareſt unto him.

The Charge touching his exhauſting, intercepting, and mis-employing the King's Revenue.

To this Article his Anſwer is, That he doth humbly, and with all thankfulneſs acknowledge the bountiful hand of his late Majeſty unto him; for which he oweth ſo much to the memory of that deceaſed King, his moſt excellent Majeſty that now is, and their Poſterity, that he ſhall willingly render back whatſoever he hath received, together with his life, to do them ſervice. But for the immenſe Sums and Values which are ſuggeſted to have been given unto him, he ſaith, There are very great miſtakings in the calculations which are in the Schedules in this Article mentioned; unto which the Duke will apply particular Anſwers in another Schedule, which ſhall expreſs the truth of every particular, as near as he can collect the ſame, to which he referreth himſelf, whereby it ſhall appear, what a great diſproportion there is between Conjectures and Certainties: And thoſe gifts which he hath received, though he confeſſeth that they exceed his Merit, yet they exceed not Preſidents of former times. But whatſoever it is he hath, or hath had, he utterly denieth that he obtained the ſame, or any part thereof, by any undue ſollicitation or practiſe, or did unduly obtain any releaſe of any ſums of money he received; but he having, at ſeveral times, and upon ſeveral occaſions, diſpoſed of divers ſums of the moneys of his late Majeſty, and of his Majeſty that now is, by their private directions, he hath Releaſes thereof for his diſcharge, which was honourable and gratious in their Majeſties, who granted the ſame for their Servants indempnity; and he hopeth was not unfit for him to accept of, leſt, in future times, he or his might be charged therewith, when he could not be able to give ſo clear an account thereof, as he hopeth he ſhall now well be able to do.

To

3 *Caroli.*

The Charge touching his tranſcendent preſumption in giving Phyſick to the King.

To this Charge, which is ſet forth in ſuch an expreſſion of words as might argue an extraordinary guiltineſs in the Duke, who by ſuch infinite bounds of duty and thankfulneſs was obliged to be tender of the life and health of his moſt dread and dear Soveraign and Maſter, he maketh this clear and true Anſwer: That he did neither apply nor procure the plaiſter or Poſſet-drink, in the Charge termed to be a Potion unto his late Majeſty, nor was preſent when the ſame was firſt taken or applied: But the truth is this; That his Majeſty being ſick of an Ague, took notice of the Dukes recovery of an Ague not long before, and asked him how he had recovered, and what he found did him moſt good? The Duke gave him a particular Anſwer thereto, and that one who was the Earl of *Warwicks* Phyſitian had miniſtred a plaiſter and Poſſet-drink to him; and the chief thing that did him good was a Vomit, which he wiſhed the King had taken in the beginning of his ſickneſs. The King was very deſirous to have that plaiſter and poſſet-drink ſent for, but the Duke delayed it; whereupon the King impatiently asked, Whether it were ſent for or not? and finding by the Dukes ſpeeches he had not ſent for it, his late Majeſty ſent for *John Baker* the Dukes ſervant, and with his own Mouth commanded him to go for it: Whereupon the Duke beſought his Majeſty not to make uſe of it but by the advice of his own Phyſitians, nor until it ſhall be tried of *James Palmer* of his Bed-chamber, who was then ſick of an Ague, and upon two children in the Town. Which the King ſaid he would do: And in this reſolution the Duke left his Majeſty, and went to *London*; and in the mean time in his abſence the plaiſter and poſſet-drink was brought and applyed by his late Majeſties own command. At the Dukes return, his Majeſty was in taking of the poſſet-drink, and the King then commanded the Duke to give it him, which he did in the Preſence of ſome of the Kings Phyſitians, they then no ways ſeeming to diſlike it, the ſame Drink being firſt taſted of by ſome of them, and divers others in the Kings Bed-chamber. And he thinketh this was the ſecond time the King took it. Afterwards when the King grew ſomewhat worſe than before, the Duke heard a rumor as if this Phyſick had done the King hurt, and that the Duke had miniſtred that Phyſick to him without advice. The Duke acquainted the King therewith, to whom the King with much diſcontent anſwered thus, *They are worſe then Devils that ſay it*. So far from the truth it was, which now notwithſtanding (as it ſeemeth) is taken up again by ſome and with much confidence affirmed. And here the Duke humbly prayeth all your Lordſhips, not only to conſider the truth of this Anſwer, but alſo to commiſerate the ſad thought which this Article had revived in him.

This being the plain clear and evident truth of all thoſe things which are conteined and particularly expreſſed in his Charge, (the reſt being in general requiring no Anſwer) He being well aſſured that he hath herein affirmed nothing which he ſhall not make good by proof in ſuch way as your Lordſhips ſhall direct;

He humbly referreth it to the judgment of your Lordſhips, how full of danger and prejudice it is to give too ready an ear & too eaſie a belief unto Reports or Teſtimony without Oath, which are not of weight enough to condemn any. He humbly acknowledgeth how eaſie it was for him in his younger years and unexperienced, to fall into thouſands of Errors in

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thoſe ten years wherein he had the honour to ſerve ſo great and open-hearted a Soveraign and Maſter: But the fear of Almighty God, his ſincerity in the true Religion eſtabliſhed in the Church of *England*, (though accompanied with many weakneſſes and imperfections, which he is not aſhamed humbly and heartily to confeſs) his awfulneſs not willing to offend ſo good and gracious a Maſter, and his love and Duty to his Country have reſtrained him and preſerved him (he hopeth) from running into heinous and high miſdemenors and crimes. But whatſoever upon examination and mature deliberation they ſhall appear to be, leaſt in any thing unwittingly within the compaſs of ſo many years he ſhall have offended, He humbly prayeth your Lorſhips not only in thoſe, but as to all the ſaid miſdemenors, miſpriſions, offences and crimes wherewith he ſtandeth charged before your Lordſhips, to allow unto him the benefit of the free and general Pardon granted by his late Majeſty in Parliament in the 21 year of his Reign, out of which he is not excepted; and of the gracious pardon of his now Majeſty granted to the ſaid Duke, and vouchſafed in like manner to all his Subjects at the time of his moſt haypy Inauguration and Coronation: Which ſaid pardon under the great Seal of *England* granted the ſaid Duke, beareth date the tenth day of *February* now laſt paſt and here is ſhewn forth unto your Lordſhips, on which he doth moſt humbly rely: And yet he hopeth your Lordſhips in your Juſtice and Honor, upon which with confidence he puts himſelf, will acquit him of and from thoſe miſdemenors, offences, miſpriſons, and crimes werewith he hath been charged; And he hopeth, and will daily pray, that for the future he ſhall by Gods grace ſo watch over his actions both publick and private, that he ſhall not give any Juſt offence to any.

A B C

The Duke having put in this Anſwer, earneſtly moved the Lords to ſend to the Commons to expedite their Reply; and the Commons did as earneſtly deſire a Copy of his Anſwer.

The next day his Majeſty wrote this Letter to the Speaker.

D

The Kings Letter to the *Speaker* touching ſpeedy ſupply to his Majeſty.

TRuſty and Welbeloved, We greet you well. Our Houſe of Commons cannot forget how often and how earneſtly We have called upon them for the ſpeeding of that Aid which they intended Us for our great and weighty affaires, concerning the ſafety and honour of Us and Our Kingdoms: And now the time being ſo far ſpent, that unleſs it be preſently concluded, it can neither bring us Money nor Credit by the time which themſelves have fixed, which is the laſt of this Moneth, and being further deferred would be of little uſe, we being dai'y advertiſed from all parts of the great preparations of the Enemy ready to aſſail Us; We hold it neceſſary by theſe Our Letters to give them Our laſt and final Admonition, and to let them know that We ſhall account all further delayes and excuſes to be expreſs denials. And therefore We will and require you to ſignifie unto them, that we do expect that they forthwith bring in their Bill of Subſidy to be paſſed without delay or condition, ſo as it may fully paſs the Houſe by the end of the next week at the furtheſt: Which if they do not, it will force Us to take other reſolutions. But let them know, if they finiſh this according to our deſire, that we are reſolved to let them ſit together for the diſpatch of their other affairs ſo long as the ſeaſon will permit, and after their receſs to bring them together again the next Winter. And if by their denial or delay, any thing of ill conſequence ſhall fall out either at home or abroad, We call God and Man to Witneſs that we have done our part to prevent it, by calling our People together to adviſe with Us, by opening the weight of our occaſions unto

E F

unto them, and by requiring their timely help and aſſiſtance in theſe Actions wherein we ſtand engaged by their own Councils. And we will and command you that this Letter be read publickly in the Houſe.

3 Caroli

About this time there hapned, at three a clock in the afternoon, a terrible ſtorm of Rain, and Hail in and about the City of London, and with it a very great Thunder and Lightning: The graves were laid open
A in S. *Andrews* Church-yard in *Holborn*, by the ſudden fall of the Wall which brought away the Earth with it, whereby many Coffins, and the Corps therein were expoſed to open view, and the ruder ſort would ordinarily lift up the lids of the Coffins to ſee the poſture of the dead Corps lying therein, who had been buried of the Plague but in the year before.

At the ſame inſtant of time there was a terrible ſtorm and ſtrange Spectacle upon *Thames* by the turbulency of the waters, and a Miſt that
B aroſe out of the ſame, which appeared in a round Circle of a good bigneſs above the waters. The fierceneſs of the Storm bent it ſelf towards *York*-houſe, (the then habitation of the Duke of *Buckingham*,) beating againſt the Stairs and wall thereof: And at laſt this round Circle (thus elevated all this while above the water) diſperſed it ſelf by degrees like the ſmoak iſſuing out of a Furnace, and aſcended higher and higher till it quite vaniſhed away, to the great admiration of the beholders. This occaſioned the more diſcourſe among the Vulgar, in that Doctor *Lamb*
C appeared then upon *Thames*, to whoſe Art of Conjuring they attributed that which had happened. The Parliament was then ſitting, and this Spectacle was ſeen by many of the Members out of the windows of the Houſe.

The Commons agreed upon this enſuing Petition to his Majeſty, concerning Recuſants.

To the Kings moſt Excellent Majeſty.

D

The *Commons* Petition to the King concerning Recuſants.

YOur Majeſties moſt obedient and loyal Subjects the Commons in this preſent Parliament aſſembled, do with great comfort remember the many Teſtimonies which your Majeſty hath given of your ſincerity and zeal of the true Religion, eſtabliſhed in this Kingdom, and in particular your gracious Anſwer to both Houſes of Parliament at Oxford, upon their Petition concerning the Cauſes and
E Remedies of the Increaſe of Popery; That your Majeſty thought fit, and would give order to remove from all Places of Authority and Government, all ſuch perſons as are either Popiſh Recuſants, or according to direction of former Acts of State juſtly to be ſuſpected; which was then preſented as a great and principal cauſe of that miſchief. But not having received ſo full redreſs herein as may conduce to the peace of this Church and ſafety of this Regal State, They hold it their Duty once more to reſort to your Sacred Majeſty, humbly to in-
F form you, that upon examination they find the perſons under written to be either Recuſants, Papiſts, or juſtly ſuſpected according to the former Acts of State, who now do, or ſince the ſitting of the Parliament did remain in places of Government and Authority, and truſt in your ſeveral Counties of this your Realm of England and Dominion of Wales.

An. 1626.

The Right Honourable, *Francis* Earl of *Rutland*, Lieutenant of the Country of *Lincoln*, *Rutland*, *Northampton*, *Nottingham*, and a Commiſſioner of the Peace, and of Oyer and Terminer in the County of *York*, and Juſtice of Oyer from *Trent* Northwards. His Lordſhip is preſented to be a Popiſh Recuſant, and to have affronted all the Commiſſioners of the Peace within the *North-Riding* of *Yorkſhire*, by ſending a Licence under his hand and Seal unto his Tenant *Thomas Fiſher*, dwelling in his Lordſhip's Mannor of *Helmſley*, in the ſaid *North-Riding* of the ſaid County of *York*, to keep an Ale-houſe; ſoon after he was, by an Order made at the Quarter-Seſſions, diſcharged from keeping an Ale-houſe, becauſe he was a Popiſh convict Recuſant, and to have procured a Popiſh School-maſter, namely, *Roger Conyers*, to teach Scholars within the ſaid Mannor of *Helmſley*, that formerly had his Licence to teach Scholars taken from him, for teaching Scholars that were the Children of Popiſh Recuſants, and becauſe he ſuffered theſe Children to be abſent themſelves from the Church whilſt they were his Scholars; for which the ſaid *Conyers* was formerly complained of in Parliament. A B

The Right Honourable Vicount *Dunbar*, Deputy-Juſtice in Oyer to the Earl of *Rutland*, from *Trent* Northward, and a Commiſſioner of *Sewers*, and a Deputy-Lieutenant within the *Eaſt-Riding* of *Yorkſhire*; his Lordſhip is preſented to be a Popiſh Recuſant, and his Indictment removed into the King's Bench, and his wife, Mother, and the greateſt part of his Family are Popiſh Recuſants, and ſome of them convicted. C

William Lord *Evre*, in Commiſſion for the *Sewers* in the *Eaſt-Riding*, a convict Popiſh Recuſant; *Henry* Lord *Abergaveney*, *John* Lord *Tenham*, *Edward* Lord *Wotton*, in Commiſſion for *Sewers*, juſtly ſuſpected for Popery; *Henry* Lord *Morley*, Commiſſioner for *Sewers in Com. Lanc.* himſelf ſuſpected, and his Wife a Recuſant: *John* Lord *Mordant*, Commiſſioner of the Peace, *Sewers*, and Subſidy *in Com. Northampton.*

John Lord St. *John* of *Baſing*, Captain of *Lidley* Caſtle *in Com. Southampton*, indicted for a Popiſh Recuſant. D

Em. Lord *Scroop*, Lord Preſident of his Majeſty's Council in the North, Lord Lieutenant of the County and City of *York*, & *Com. Emborac.* & *Villæ Kingſton ſuper Hull*, preſented the laſt time, and continuing ſtill to give ſuſpition of his ill-affection in Religion.

1. By never coming to the Cathedral Church upon thoſe days, wherein former Preſidents have been accuſtomed.

2. By never receiving the Sacrament upon Common days, as other Preſidents were accuſtomed, but publickly departing out of the Church, with his Servants, upon thoſe days, when the reſt of the Council, Lord Mayor and Alderman do receive. E

3. By never, or very ſeldom, repairing to the Faſts, but often pudlickly riding abroad with his Hawks, on thoſe days.

4. By cauſing ſuch as are known to be firm on thoſe days in the Religion eſtabliſhed, to be left out of Commiſſion, which is inſtanced in *Henry Alured* Eſq; by his Lordſhip's procurement put out of the Commiſſion of *Sewers*, or elſe from keeping them from executing their Places, which is inſtanced in Dr. *Hudſon*, Doctor in *Divinity*; to whom his Lordſhip hath refuſed to give the Oath, being appointed. F

5. By putting divers other ill-affected perſons in Commiſſion of the Council of Oyer and Terminer, and of the *Sewers*, and in other Places of Truſt, contrary to his Majeſty's gracious Anſwer to the late Parliament.

6. In

3 *Caroli.*

6. In *October* last 1625. being certified of divers Spanish Ships of War upon the Coasts of *Scarborough*, his Lordship went thither, and took with him the Lord *Dunbar*, Sir *Thomas Metham* and *William Alford*, and lay at the house of the Lord *Eury*, whom he knew to be a convict Recusant and did notwithstanding refuse to disarm him, although he had received Letters from the Lords of the Council to that effect? and did likewise refuse to shew the Commissioners who were to be imploy'd for disarming of Popish Recusants, the original Letters of the Privy-Council, or to deliver them any Copies as they desired, and as his Predecessors in that place were wont to do.

A

7. By giving Order to the Lord *Dunbar*, Sir *William Wethan*, and Sir *William Alford*, to vew the Forts and Store of Munition in the Town of *Kingston* upon *Hull*, who made one *Kerton* a convict Recusant, and suspected to be a Priest, their Clerk in that service.

8. By denying to accept a Plea tendered according to the Law by Sir *William Hilliard* Defendant, against *Isabel Simson* Plantiff, in an Action of Trover, that she was a convict Popish Recusant, and forcing him to pay costs.

B

9. By the great increase of Recusants since his Lordships coming to that Government in *January* 1619, It appearing by the Records of the Sessions, that there are in the *East-Riding* only One thousand six hundred and seventy more convicted then were before, which is conceived to be an effect of his favour and countenuance towards them.

C

William Langdale Esquire convicted of Popish Recusancy; *Jordan Metham*, *Henry Holm*, *Michael Partington*, Esquires, *George Creswel*, *Thomas Danby*, Commissioner of the *Sewers*, and put in Commission by procurement of the Lord *Scroop*, Lord President of the North, and who have all Popish Recusants, to their Wives; *Ralph Bridgman* a Non-Communicant.

Nicholas Girlington, whose Wife come seldom to Church; Sir *Marmaduke Wycel* Knight and Baronet, presented the last Parliament, his Wife

D

being a convinct popish Recusant, and still continuing so.

Sir *Thomas Metham* Knight, Deputy-Lieutenant, made by the Lord *Scroop* in Commission of the Council of the North, and of Oyer and Terminer, and other Commissions of Trust; all by procurment of the same Lord President since the Kings Answer; never known to have received the communion; his two only Daughters brought up to be Popish, and one of them lately marryed to *Thomas Doleman* Esquire, a Popish Recusant.

E

Anthony Vicount *Montague*, in Commission of the *Sewers in Com. Sussex* his Lordship a Recusant Papist.

Sir *William Wray* Knight, Deputy Lieutenant, Colonel to a Regiment, his Wife a Recusant; Sir *Edward Musgrave*, Sir *Thomas Lampleigh* Justices of Peace and *Quorum*; Sir *Thomas Savage* Deputy Lieutenant and Justice of Peace, his Wife and Children Recusants; Sir *Richard Egerton* a Non-Communicant.

Thomas Savage Esquire, a Deputy-Lieutenant, a Recusant, and his Wife

F

indicted and presented; *William Whitemore* Commissioner of the Rubsidy, his Wife and Children Recusants; Sir *Hugh Beeston* Commissioner of the Subsidy, his Daughter and many of his Servants Recusants; Sir *William Massie* Commissioner for the Subsidy, his Lady indicted for Recusancy, and his Children Papists; Sir *William Courtney* Knight, Vice-Warden of the *Stannery*, and Deputy Lieutenant, a Popish Recusant,

Sir

An. 1626.

Sir *Thomas Ridly* Knight, Juſtice of Peace, his Wife a Popiſh Recuſant, and eldeſt Son.

Sir *Ralph Conyers* Knight, Juſtice of Peace, his Wife a Popiſh Recuſant.

James Lawſon Eſquire, a Juſtice of Peace, and one of the Captains of the Trained-band, his Children Popiſh Recuſants, and ſervants Non-Communicants.

Sir *John Shelley* Knight and Baronet, a Recuſant. *William Scot* Eſq; a Recuſant. *John Finch* Eſquire, not convicted, but comes not to Church, in Commiſſion of the *Sewers*. A

Theſe are all Convicted Recuſants, or ſuſpected of Popery.

Sir *William Mullineux* Deputy-Lieutenant and Juſtice of Peace, his Wife a Recuſant; Sir *Richard Houghton* Knight, Deputy-Lieutenant, his Wife and ſome of his Daughters Recuſants: Sir *William Noris* Captain of the general Forces, and Juſtice of Peace, a Recuſant; Sir *Gilbert Ireland* Juſtice of Peace, a Recuſant; *James Anderton* Eſquire, Juſtice of Peace, and one of his Majeſties Receivers, his Wife a Non-Communicant, his Son and heir a great Recuſant, and himſelf ſuſpected. B

Edward Rigby Eſquire, Clerk of the Crown, Juſtice of Peace, himſelf a good Communicant, but his Wife and Daughters Popiſh Recuſants.

Edward Criſwell Eſquire, Juſtice of Peace, his Wife a Popiſh Recuſant.

John Parker Gentleman, Muſter-Maſter for the County, ſuſpected for a Popiſh Recuſant. C

George Ireland Eſquire, Juſtice of Peace, his Wife a Popiſh Recuſant.

John Preſton Eſquire, Bow-bearer for his Majeſty in *Weſtmorland* Foreſt, a Recuſant.

Thomas Covil Eſquire, Jaylor, Juſtice of the Peace and *Quorum*, his Daughter a Recuſant Married.

Sir *Cuthbert Haſal* Juſtice of Peace, his Wife a Recuſant.

Richard Shearburn Eſquire, Juſtice of Peace, himſelf Non-reſident, his Wife and Son Recuſants. D

Sir *George Hennage* Knight, Sir *Francis Metcalf* Knight, *Robert Thorold* Eſquire, *Anthony Munſon* Eſquire, *William Dalliſon* Eſquire, in Commiſſion of the Sewers, and are juſtly ſuſpected for Popiſh Recuſants.

Sir *Henry Spiller* Knight, in Commiſſion for *Middleſex* and *Weſtminſter* and Deputy Lieutenant; *Valentine Saunders* Eſquire, one of the ſix Clerks, both which are juſtly ſuſpected to be ill-affected in Religion according to the Acts of State. E

Charles Jones Knight, Deputy-Lieutenant, and Juſtice, of Peace, *George Milburne* Eſquire, Juſtice of Peace, *Edward Morgan* Eſquire, their Wives are all Popiſh Recuſants.

William Jones Deputy Lieutenant, Juſtice of Peace, his Wife ſuſpected to be a Popiſh Recuſant.

John Vaughan Captain of the Horſe, ſuſpected for Recuſancy.

Benedict Hall Receiver and Steward of the Dutchy of *Lancaſter*, he and his Wife are Popiſh Recuſants. F

Sir *Thomas Brudenell* Knight and Baronet, Deputy Lieutenant, a Popiſh Recuſant.

Cuthbert Heron, Eſquire, now Sheriff of *Northumberland*, Juſtice of the Peace, his Wife a Recuſant.

Sir *William Selby* Junior, Knight, Juſtice of Peace, his Wife a Recuſant.

Sir

2 *Caroli.*

Sir *John Canning* Knight, Juſtice of Peace, his Wife a ſuſpected Recuſant.

Sir *Ephraim Widdrington* Knight, Juſtice of Peace, ſuſpected to be a Recuſant.

Sir *Thomas Ridall* Knight, Juſtice of Peace, his Wife and eldeſt Son are Recuſants.

A *John Widdrington* Eſquire, who came out of the ſame County before his Majeſties Proclamation was publiſhed, and is now at *London* attending the Council Table by Commandment, and yet not diſmiſt.

Sir *Robert Pierpoint*, Juſtice of Peace, his Wife a Recuſant

Sir *Anthony Brown* Knight, Juſtice of Peace, thought to be a Recuſant, but not convict.

B Sir *Henry Beddingfield* Knight, Deputy Lieutenant, and Juſtice in Oyer and Terminer, and in Commiſſion of Sewers, Juſtice of Peace, and Captain of a foot Company, his Wife nor any of his Children, as is informed, come to the Church.

Thomas Sayer Captain of the Horſe, his Wife comes not to Church.

Sir *William Yelverton* Baronet, and Juſtice of Peace, not ſuſpect himſelf, but his eldeſt Son and one of his Daughters are known Recuſants.

Sir *Henry Minne* Knight, Juſtice of Peace, and *Quorum*, neither he, his Wife or Daughters can be known to have received the Communion, and have been preſented at the Seſſions for Non-conformity.

C *Robert Warren* Clerk, a Juſtice of Peace, juſtly ſuſpected, and that for theſe Reaſons.

1. He being in truſt for one *Ratcliff* of *Bury*, deceaſed, for the educating of his Son; he took him from the School at 12 years old, and ſent him beyond the Seas to be brought up there in a Popiſh Seminary, where he hath remained ſix or ſeven years, as was generally reported.

2. One of his Pariſhioners doubted in ſome points of Religion, being ſick and deſired to be ſatisfied by him, who confirmed him in the Religion of the Church of *Rome*, which he told to his brothers before his D death, who are ready to affirm the ſame, but this was divers years ſince.

3. There being Letters directed to four Knights of that County to call the Miniſters and other Officers before them, and to cauſe them to preſent all ſuch as abſented themſelves from the Church, and were Popiſhly affected, he was deſired to preſent thoſe within his Pariſh-Church of *Welford*, which he accordingly did, but left out at the leaſt one half; and being asked, Why he did ſo? he anſwered, That he was no Informer: E And being asked of ſome particulars, Whether they came to the Church or not? his Anſwer was, They did not; and, Why then did he not preſent them? he ſaid, They might be Anabaptiſts or Browniſts, and would not preſent them, and this certified by three Members of the Houſe.

4. He having a Brother dwelling in *Sudbury*, that was preſented for not coming to the Church, he came to one of the Miniſters, and told him, That he took it ill they preſented his Brother; who anſwered, He did not: but, if he had known of it he would: whereupon he replied, He was F glad he had a brother of any Religion.

5. One of his Pariſh, named *Fage*, having intelligence, that there was one of the ſaid Pariſh, that could informe of a private place, where Armes were in the Recuſants Houſe in the Pariſh, came to ſome of the Deputy-Lieutenants in Commiſſion for a Warrant to bring the ſame in form before them, to be examined concerning the ſame, and the ſaid

Fage

An. 1626.

Fage delivered the warrant to the Conſtable, he carried him before the ſaid M. *Warren*, who rated the ſaid *Fage* for that he did come to him firſt, telling him, that he was a Factious fellow, and laid him by the heels for two hours, which the ſaid *Fage* is ready to affirm.

Sir *Benjamin Tichburne* Knight and Baronet, Juſtice of Oyer and Terminer, Juſtice of Peace, and Deputy-Lieutenant, and in Commiſſion for the Subſidy; his Wife, children and ſervants indicted for Popiſh Recuſancy.

Sir *Richard Tichburne* Knight, Juſtice of the Peace, his Wife preſented the laſt Seſſions for having abſented her ſelf from the Church for the ſpace of two Moneths. A

Sir *Henry Compton* Knight, Deputy-Lieutenant, Juſtice of Peace, and Commiſſioner for the Sewers. Sir *John Shelly* Knight and Baronet, himſelf and Lady Recuſants.

Sir *John Gage* Knight and Barronet, a Papiſt Recuſant.

Sir *John Guldeford* Knight, } Their Ladies come not to Church. B
Sir *Edward Francis* Knight, }

Sir *Garret Kempe* Knight, ſome of his Children come not to Church.

Edward Gage Eſq; a Recuſant Papiſt } Commiſſioners of the Sewers.
Tho Middlemore comes not to Church }

James Rolls, *William Scot*, Commiſſioners of Sewers, both Recuſants Papiſts. *Robert Spiller* comes not to Church.

Sir *Henry Guildford* in Commiſſion for Piracies, and for the Sewers, and *John Thatcher* Eſquire, Commiſſioner for the Sewers, they are either perſons convicted, or juſtly ſuſpected. C

Sir *Richard Sandford* Knight, *Richard Brewthwait* Eſq; *Gawen Brewthwait* Eſquire, their Wives are Recuſants.

Sir *William Aubrey* Knight, Juſtice of Peace, a Recuſant.

Rees Williams Juſtice of Peace, his Wife a convict Recuſant, and his children Popiſhly bred, as is informed.

Sir *John Coney* Knight, Juſtice of Peace, and Deputy-Lieutenant, his Wife a Popiſh Recuſant. D

Margan Voyle Eſquire, Juſtice of Peace, his Wife preſented for not coming to Church, but whether ſhe is a Popiſh Recuſant is not known.

John Warren Captain of the Trained-band, one of his ſons ſuſpected to be Popiſhly affected.

Wherefore they humbly beſeech your Majeſty not to ſuffer your loving Subjects to continue any longer diſcouraged by the apparent ſence of that increaſe both in number and power, which by the favour and countenance of ſuch like ill-affected Governors accreweth to the Popiſh party; but that according to your own wiſdom, goodneſs and piety (whereof they reſt aſſured) you will be graciouſly pleaſed to command that Anſwer of your Majeſties to be effectually obſerved, and the Parties above named, and all ſuch others to be put out of ſuch Commiſſions and Places of Authority wherein they now are in your Majeſties Realm of England, contrary to the Acts and Laws of States in that behalf. E F

A *Committee* Was appointed to prepare an Anſwer to his Majeſties Letter, which was ingroſſed and allowed of, but the *Copy* thereof we cannot find; yet the Subſtance was delivered by the *Speaker*, Sir *Henage Finch*, in theſe words.

Moſt

2 *Caroli.*

The Commons Anſwer to his Majeſty's Letter by the Speaker.

Moſt Gracious and Dread Sovereign,

"ACcording to that liberty of acceſs, and liberty of ſpeech which "your Majeſty and your Royal Progenitors have ever vouch-"ſafed to your Houſe of Commons, your Majeſty's moſt humble "and loyal Subjects, the Commons now aſſembled in Parliament have A "been ſuitors for this acceſs to your Royal Throne.

"And out of their conſideration of the nature, and of the weight "and importance of the buſineſs, they have thought the attendance of "the whole Houſe, with their Speaker, not too ſolemn; and yet they "have not thought fit barely to commit thoſe words, which expreſs their "thoughts, to the truſt of any man's ſpeech, but are bold to preſent "them in writing to your gracious hands, that they may not vaniſh, but "be more laſting than the moſt powerful words of a more able Speaker B "like to be.

"I have much to read, and ſhall therefore, as little as I can, weary "your Majeſty with Speeches.

"This Parchment contains two things, the one by way of Declara-"tion, to give your Majeſty an account and humble ſatisfaction of their "clear and ſincere endeavours and intentions in your Majeſty's ſervice; "and the other, an humble Petition to your Majeſty, for the removal of "that great Perſon, the Duke of *Buckingham*, from acceſs to your Royal "preſence.

"For the firſt, They beſeech your moſt Excellent Majeſty to be-"lieve, that no earthly thing is ſo dear and precious to them, as that "your Majeſty ſhould retain them in your grace and good opinion; and "it is grief to them, beyond my expreſſion, that any miſ-information, or "miſ-interpretation, ſhould at any time render their words or proceed-"ings offenſive to your Majeſty.

"It is not proper for any one to hear the Eccho of a Voice, that hears D "not the Voice; and if Eccho's be ſometimes heard to double and re-"double, the Eccho of the Eccho is ſtill fainter, and ſounds not louder.

"I need not make the application, words miſ-reported, though by an "Eccho, or but an Eccho of an Eccho, at a third or fourth hand, have "oft a louder ſound than the voice it ſelf, and may ſound diſloyalty, "though the Voice had nothing undutiful or illoyal in it.

"Such miſ-informations, they fear, have begot thoſe interruptions and "diverſions, which have delayed the ripening and expediting of thoſe E "great Counſels, which concern your Majeſty's important Service, and "have enforced this Declaration.

"I paſs from that to the Petition, in which my purpoſe is not to urge "thoſe Reaſons, which your Majeſty may hear expreſſed in their own "words in the language of the People.

"I am onely directed to offer to your great wiſdom, and deep judg-"ment, that this Petition of theirs is ſuch, as may ſtand with your Maje-"ſty's Honour and Juſtice to grant.

"Your Majeſty hath been pleaſed to give many Royal Teſtimonies F "and Arguments to the World, how good and gracious a Maſter you "are; and that which the Queen of *Sheba* once ſaid to the wiſeſt King, "may without flattery be ſaid to your Majeſty,

Happy are thoſe Servants which ſtand continually before you.

An. 1626.

"But the Relations by which your Majesty stands in a gracious aspect "towards your People, do far transcend, and are more prevalent and "binding, than any relation of a Master towards a Servant; and to hear "and satisfie the just and necessary desires of your People, is more ho- "nourable, than any expression of grace to a Servant.

"To be a Master of a Servant, is communicable to many of your Sub- "jects; to be a King of People, is Regal, and incommunicable to Sub- "jects. A

"Your Majesty is truly styled with that name, which the greatest "Emperors, though they borrowed Names and Titles from those Coun- "treys, which they gained by Conquest, most delighted in, *Pater Patriæ*. "And desires of Children are preferred before those of Servants, and the "Servant abideth not in the house for ever, but the Son abideth ever.

"The Government of a King was truly termed by your Royal Fa- "ther, A politick Marriage between him and his People; and I may safe- "ly say, There was never a better union between a married Pair, than is "between your Majesty and your People. B

Afterwards the Commons made what haste they could to perfect a Remonstrance or Declaration against the Duke, and concerning Tonage and Poundage, taken by the King since the death of his Father, without consent in Parliament; which was no sooner finished, but they had intimation the King would that day dissolve the Parliament: whereupon they order'd every Member of the House to have a Copy of the Remonstrance. C

And at the same time, the Lords prepared this ensuing Petition to stay his purpose in dissolving the Parliament.

May it please your Excellent Majesty,

WE your faithful and loyal Subjects, the Peers of this Kingdom, having received this morning a Message from your Majesty, intimating an intention to dissolve this Parliament; remembring that we are your Majesties Hereditary great Council of the Kingdom, do conceive, that we cannot deserve your Majesty's gracious opinion expressed in this Message unto us, nor discharge our duty to God, your Majesty, and our Country, if after expression of our great and universal sorrow, we did not humbly offer our loyal and faithful advice to continue this Parliament, by which those great and apparent dangers at home and abroad, signified unto us by your Majesty's command, may be prevented, and your Majesty made happy in the duty and love of your People, which we hold the greatest safety and treasury of a King; for the effecting whereof, our humble and faithful endeavour shall never be wanting. D E

The Lords sent the Vicount *Mandeville*, Earl of *Manchester*, Lord President of his Majesty's Council, the Earl of *Pembrook*, the Earl of *Carlisle*, and the Earl of *Holland*, to intreat his Majesty to give audience to the whole House of Peers. But the King returned Answer, That his Resolution was to hear no motion for that pupose, but he would dissolve the Parliament; and immediately caused a Commission to pass under the Great Seal to that purpose, *in hac verba*. F

Carolus

2 Caroli.

CAROLUS, Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, Fidei Defenſor, &c. Reverendiſſimo in Chriſto Patri & fideli conſiliario noſtro Georgio Archiepiſc. Cantuar. totius Angliæ Primati & Metropolitano: Ac perdilecto & fideli Conſiliar. noſtro Thomæ Coventry militi, Dom. Cuſtod. Magni Sigilli noſtri Angliæ. Ac etiam Reverendiſs. in Chriſto Patri Tobiæ Archiep. Ebor. Angliæ Primati & Metropolitano: Nec non chariſſimis Conſanguineis & Conſiliariis noſtris Jacobo Comiti Marlborough, Theſaurario noſtro Angliæ; Henrico Comiti Mancheſter, Dom. Preſidenti Conſilii noſtri; Edwardo Comiti Wigorn. Cuſtod. Privati Sigilli noſtri; Georgio Duci Buckingham: Magno Admirallo noſtro Angliæ; Willielmo Comiti Pembrooke, Camerario Hoſpitii noſtri: Ac etiam chariſſimo Conſanguineo noſtro Edwardo, Comiti Dorſet; nec non chariſſimo & Conſiliar. noſtro Phillippo Comiti Mountgomery; chariſſimoque Conſanguineo noſtro Willielmo Comiti Nothampton. Preſidenti Conſilii noſtri infra Principalitatem & Marchias Walliæ; ac chariſſ. Conſanguineo & Conſiliar. noſtro Jacobo Comiti Carleol. Nec non chariſſimis Conſanguineis noſtris Johanni Comiti de Clare, Thomæ Comiti Cleveland, Edmundo Comiti de Mulgrave: nec non chariſſimo Conſanguineo & Conſiliar. noſtro Georgio Comiti de Totnes; chariſſimoque Conſenguineo noſtro Henrico Vicecomiti Rochford: Ac etiam reverendis in Chriſto Patribus Georgio Epiſcopo London. Richardo Epiſc. Dunelm. Reverendoque in Chriſto Patri & fideli Conſiliar. noſtro Lanceloto Epiſc. Winton. Nec non Reverendis in Chriſto Patribus, Samueli Epiſc. Norwicen. Willielmo Epiſc. Meneven Ac perdilecto & fideli Conſiliario noſtro Edwardo Dom. Conway, uni primorum Secretariorum noſtrorum, Ac etiam perdilecto & fideli noſtro Samueli Dom. Scroop Preſidenti Conſilii noſtri in partibus Borealibus; perdilectoque & fideli Conſiliar. noſtro Fulconi Dom. Brook, Salutem.

Cum nuper pro quibuſdam arduis & urgentibus negotiis, nos ſtatum & defenſionem Regni noſtri Angliæ & Eccleſiæ Anglicanæ concernentibus præſens hoc Parliamentum noſtrum apud Civitatem noſtram Weſtmonaſterii ſexto die Februar. Anno Regni noſtri primo inchoari & teneri ordinaverimus. à quo die idem Parliamentum noſtrum uſq; ad & inſtantem decimum quintum diem Junii continuatum fuerat: Sciatis quod nos pro certis urgentibus cauſis & conſiderationibus nos ſpecialiter moventibus, idem Parliamentum noſtrum hoc inſtanti decimo quinto die Junii duximus diſſolvendum. De fidelitate igitur, prudentia & circumſpectione veſtris plurimum confidentes, de aviſamento & aſſenſu Conſilii noſtri aſſignavimus vos Commiſſionarios noſtros, dantes vobis & aliquibus tribus vel pluribus veſtrûm, tenore preſentium plenam poteſtatem & authoritatem hoc inſtanti decimo quinto die Junii ad dictum Parliamentum noſtrum nomine noſtro plenarie diſſolvendum, & ideo vobis mandamus quod vos, vel aliqui tres vel plures veſtrûm, idem Parliamentum noſtrum hoc inſtante, decimo quinto die Junii, virtute harum Literarum noſtrorum patent. plenarie diſſolvatis & determinetis. Et ideo vobis mandamus quod premiſſa diligenter intendatis, ac ea in forma prædicta effectualiter expleatis & exequamini. Damus autem univerſis & ſingulis Archiepiſcopis, Ducibus, Marchionibus, Comitibus, Vicecomitibus, Epiſcopis, Baronibus, Militibus, Civibus & Burgenſibus, ac omnibus aliis quorum intereſt ad dictum Parliamentum noſtrum conventurum, tenore preſentium firmitur in mandat. quod vobis in præmiſſis faciend. agend. & exequend. pariant, obediant, & intendant in omnibus prout decet. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud Weſtm. decimo quinto die Junii, Anno Regni noſtri ſecundo.

EDMONDS.

An. 1626.

This Commiſſion being read, and the Commons preſent, the Parliament was diſſolved on the Fifteenth day of *June*, 1626.

The intended Remonſtrance was as followeth.

Moſt Gracious Sovereign,

WE your loyal and faithful Subjects, the Commons aſſembled by your Majeſty's moſt Royal Authority in this preſent Parliament, having with all dutiful affection, from the time of our firſt meeting, earneſtly endeavoured to proceed ſpeedily in thoſe affairs, that might beſt and ſooneſt conduce to our diſpatch of the intended ſupply of your Majeſty's great deſigns to the enlargement of your ſupport, and to the enabling of our ſelves, and them whom we repreſent, to the full and timely performance of the ſame; have notwithſtanding, by reaſon of divers informations, interruptions, and other preventions, been hitherto ſo retarded in the proſecution of theſe affairs, that we now thought it a neceſſary part of our moſt humble duties thus to declare, both thoſe interruptions and preventions, with the true original and continual cauſe of them; as alſo our moſt earneſt devotion of the Parliamentary ſervice of your moſt excellent Majeſty, and of the careful ſafety and defence of your Dominions, Crown and Dignity: And we moſt humbly therefore beſeech your moſt excellent Majeſty, to be graciouſly pleaſed here to caſt your eye on ſome particulars, that have relation, as well to your firſt Parliament, as to this; out of which we cannot doubt, but that your great Goodneſs may receive an ample ſatisfaction touching our moſt loyal and faithful intentions.

In the firſt Parliament of the firſt year of your Majeſty's moſt happy Reign over us, the Commons then aſſembled, after they had chearfully preſented to your Majeſty, as the firſt fruits of their affections, two entire Subſidies, were exceedingly preſſed by the means of the Duke of Buckingham, and for his own ends, as we conceive, to enlarge that Supply: which when he conceived would not be there effected, he procured, for the ſame ends, from your Majeſty, an Adjournment of the Parliament to the City of Oxford; where the Commons then taking into juſt conſideration, the great miſchiefs which this Kingdom variouſly hath ſuffered, and that chiefly by reaſon of the exorbitant power, and frequent miſdoings of the ſaid Duke, were entring into a Parliamentary courſe of examination of thoſe miſchiefs, power, and miſdoings: But no ſooner was there any mention made of his name to this purpoſe, but that he, fearing leaſt his actions might ſo have been too much laid open to the view of your moſt excellent Majeſty, and to the juſt Cenſure that might then have followed, preſently, through his miſinformations to your Majeſty, of the intentions of your ſaid Commons (as we have juſt cauſe to believe) procured a diſſolution of the ſaid Parliament: And afterwards alſo in the ſame year, through divers miſreports made to your Majeſty in his behalf, touching ſome Members of the ſaid Commons, who had more particularly drawn his name into juſt queſtion, and juſtly profeſſed themſelves adverſe to his ends there, procured (as we cannot but conceive) the ſaid Members to be made the Sheriffs of ſeveral Counties for this year

2 *Caroli.*

year that followed, to the end that they might have all been precluded from being chosen Members of the present Parliament, lest they should again have there questioned him; and by the like practise also (as we are perswaded) he procured, soon after the said dissolution, another * Member of the said House, because he had justly professed himself against his ends, to be sent as Secretary of your Majesty's last Fleet, hereby indeed to punish him, by such drawing him from his practise of the Law, which was his profession, under colour of an honourable Employment.

* M. *Glanvile.*

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It pleased your Majesty afterwards, in February last, to call this present Parliament, wherein though none of those whom the said Duke had so procured to be made high Sheriffs have sate as Members; yet we finding in our selves the like affection, first to the Service of your Majesty, and next to the good of the Commonwealth, we took into serious consideration several Propositions, how for the safety and happiness of your Majesty's Kingdoms and Allies, we might enlarge your Supports, & add to the Military Strength without charge to the poorer sort of your Subjects, and give a larger Supply to your Majesty for your instant and pressing occasions, than hath ever yet but once been given in Parliament: Whereupon; for the enabling of our selves, and those whom we represent, we conceive it first necessary to search into the Causes of those Mischiefs, which this your Kingdom suffereth, and divers of the Grievances that over-burthen your Subjects; without doing of which, we could neither be faithful to your Majesty, nor to the Countrey that doth trust and employ us, as your Royal Father also, of blessed memory, admonished the House of Commons in the Fourth Session of his first Parliament. In this consideration we found, that the most pressing and comprehensive Mischief and Grievance that he suffered, was fundamentally setled in the vast power and enormous actions of the said Duke, being such, that by reason of his plurality of Offices, all gotten by ambition, and some for money, expressly against the Laws of your Realm; His breach of Trust, in not guarding the Seas; his high injustice in the Admiralty; his Extortion; his delivering over the Ships of this Kingdom into the hands of a Forreign Prince; his procuring of the compulsory buying of Honour for his own gain; his unexampled exhausting of the Treasures and Revenues of the Kingdom; his transcendent presumption of that unhappy applying of Physick to your Royal Father of blessed memory, few days before his death, and some other his Offences carefully and maturely examined by us, we made a Parliamentary Charge of the same matters and offences against him, to the Lords, by your Majesty assembled in Parliament, there expecting some Remedy by a speedy proceeding against him: But, may it please your most excellent Majesty, not onely during the time of our examination of the matters and offences of the same Charge, we were diversly interrupted and diverted by Messages procured through misinformation from your Majesty, which with most humble duty and reverence we did ever receive; whence it first fell out, that so not onely much time was spent amongst us, before the same Charge was perfected, but also within two days next after the same Charge was transmitted by us to the Lords: Upon untrue and malicious misinformations, privately and against the Priviledge of Parliaments, given to your Majesty of certain words

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ſuppoſed to have been ſpoken by Sir Dudley Diggs and Sir John Elliot Knights, two of the Members of our Houſe, in their ſervice of the tranſmitting of the ſaid Charge, both of them having been eſpecially employed in the Chairs of Committees with us, about the examination of the ſaid matters and offences, they were both by your Majeſty's command committed to cloſe impriſonment in the Tower of London, and their Lodgings preſently ſearched, and their Papers there found, preſently taken away; by reaſon whereof not only our known Priviledges of Parliament were infringed, but we our ſelves, that upon full hope of ſpedy courſe of Juſtice againſt the ſaid Duke, were preparing with all dutiful affection to proceed to the diſpatch of the Supply, and other Services to your Majeſty, were wholly, as the Courſe and Priviledge of Parliament binds us, diverted for diverſ days, to the taking onely into conſideration ſome courſes for the vindicating and preſervation of the Priviledges ſo infringed; and we think it our duties, moſt gracious Sovereign, moſt rightly to inform hereby your moſt excellent Majeſty, of the courſe held in the Commitment of the two Members: For whereas by your Majeſties Warrant to your Meſſengers for the arreſting of them, you were pleaſed to command, that they ſhould repair to their Lodgings, and there take them; your Majeſty's principal Secretary, the Lord Conway, gave the ſaid Meſſengers (as they affirmed) an expreſs command, contrary to the ſaid Warrants, that they ſhould not go to their Lodgings, but to the Houſe of Commons, and there take them; and if they found them not there, they ſhould ſtay until they were come into the Houſe, and apprehend them whereſoever elſe they ſhould find them. Which beſides that it is contrary to your Majeſty's command, as an apparent Teſtimony of ſome miſchievous intention there had againſt the whole Houſe Commons, and againſt the ſervice intended to your Majeſty. All which, with the ſeveral Interruptions that preceded it, and the miſinformation that hath cauſed all of them, we cannot doubt but that they were wrought and procured by the Duke, to his own behoof, and for his advantage, eſpecially becauſe the ſaid interruptions have, through miſinformation, come amongſt us, onely at ſuch times wherein we have had the matters and offences charged againſt him in agitation; but your Majeſty, out of your great goodneſs and juſtice, being afterwards informed truly of our Priviledge, and the demerit of the Cauſe that concerned our ſaid two Members, graciouſly commanded the delivery of them out of the Tower, for which we render unto your Majeſty moſt humble thanks; and were then again, by reaſon of our hopes of the diſpatch of proceedings with the Lords, upon our Charge againſt him the ſaid Duke, in a chearful purpoſe to go on with the matter of Supply, and other Services to your Majeſty, when again theſe hopes failed in us; by reaſon of ſome new exorbitancies now lately ſhewed in the exerciſe of his ſo great power and ambition; for by ſuch his power and ambition, notwithſtanding our Declaration againſt him for his ſo great plurality of Offices, he alſo procured to himſelf, by the ſollicitation of his Agents, and of ſuch as depended upon him, the Office of Chancellor of the Univerſity of Cambridge; whereas the ſame Univerſity having two Burgeſſes in Parliament, did, by the ſame Burgeſſes, a few weeks before, conſent with us in the Charge againſt him for his ambition for procuring

2 *Caroli.*

curing ſuch a Plurality of Offices; ſuch was his ambition to ſue for it, ſuch was his power to make them give it him, contrary to what themſelves had agreed in Parliament with all the Commons of England. And he procured alſo the ſame Office, by the ſpecial labours and endeavours (as we are informed) of a Factious party, who adhereth to that dangerous Innovation of Religion, publiſhed in the ſeditious Writings of one Richard Mountague Clerk; of whom it is thence alſo, and heretofore, upon other reaſons, it hath been conceived, that the ſaid Duke is, and long hath been, an Abettor and Protector.

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These actions of the ſaid Duke have thus among us hindred the ſervice of your Majeſty, by reaſon both of the interruptions that have ſo neceſſarily accompanied them, and of the prevention of our chearfulneſs, which otherwiſe had long ſince been moſt effectually ſhewed in us, that having nothing elſe in our cares, next to our duty to God, but the loyal Service of your Majeſty, the ſafety of your Kingdom, and the ſubſiſtance of our ſelves and thoſe whom we repreſent, for the continuance of that ſervice and ſafety, which we cannot hope for: and we beſeech your moſt excellent Majeſty, graciouſly to receive this our humble and free proteſtation, That we cannot hope for it, ſo long as we thus ſuffer under the preſſures of the power and ambition of the ſaid Duke, and the divers and falſe Informations ſo given to your Majeſty on his behalf, and for his advantage; eſpecially when we obſerve alſo, that in ſuch his greatneſs, he preventeth the giving of true Information to your Majeſty, in all things that may any ways reflect to his own miſdoings, to ſhew unto your Majeſty the true ſtate of your Subjects and Kingdoms, otherwiſe than as it may be repreſented for his own ends. And to that purpoſe alſo hath he procured ſo many perſons depending on him, either by alliance or advancement, to places of eminency near your Sacred Perſon. Through his miſinformations of that kind alſo, and power, we have ſeen, to our great grief, both in the time of your Majeſty's Royal Father of bleſſed memory, and of your Majeſty, divers Officers of the Kingdom, ſo often by him diſplaced and altered, that within theſe few years paſt, ſince the beginning of his greatneſs, more ſuch diſplacings and alterations have, by his means, happened, than in many years before them: Neither was there in the time of your Royal Father of bleſſed memory, any ſuch courſe held, before it was by the practiſe of the ſaid Duke thus induced. And ſince that time, divers Officers of the Crown, not onely in this your Kingdom of England, but alſo in Ireland, as they have been made friends or adverſe to the ſaid Duke, have been either ſo commended, or miſrepreſented by him to his Sovereign, and by his procurement ſo placed, or diſplaced, that he hath always herein, as much as in him lay, made his own ends and advantage the meaſure of the good or ill of your Majeſty's Kingdoms.

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But now at length, may it pleaſe your moſt excellent Majeſty, we have received from the Lords a Copy of the ſaid Duke's Anſwer to our Charge tranſmitted againſt him; whereunto we ſhall preſently in ſuch ſort reply, according to the Laws of Parliament, that unleſs his power and practiſe again undermine our proceedings, we do not doubt but we ſhall upon the ſame have Judgment againſt him.

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In the times alſo (moſt gracious Sovereign) of theſe interruptions which came amongſt us, by reaſon of the procurement of

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two of our Members committed, a gracious Meſſage was formerly received from your Majeſty, wherein you had bẽn pleaſed to let us know, That if you had not a timely Supply, your Majeſty would betake your ſelf to new Counſels; which we cannot doubt were intended by your moſt Excellent Majeſty to be ſuch as ſtood with Juſtice and the Laws of this Realm. But theſe words, New Counſels, were remembred in a Speech made amongſt us by one of your Majeſty's Privil Council, and lately a Member of us, who in the ſame Speech told us, He had often thought of thoſe words, New Counſels; That in his conſideration of them, he remembred that there were ſuch kinds of Parliaments antiently among other Nations, as are now in England; That in England he ſaw the Countrey-people live in happineſs and plenty, but in theſe other Nations he ſaw them poor both in perſons and habit; or to that effect: which ſtate and condition happened (as he ſaid) to them, where ſuch New Counſels were taken, as that the uſe of their Parliaments ended.

This intimation, may it pleaſe your Majeſty, was ſuch, as alſo gave us juſt cauſe, to fear there were ſome ill Miniſters near your Majeſty, that in behalf of the ſaid Duke, and together with him, who is ſo ſtrangely powerful, were ſo much againſt the Parliamentary courſe of this Kingdom, as they might perhaps adviſe your moſt excellent Majeſty ſuch New Counſels as theſe, that fell under the memory and conſideration of that Privy Counſellor. And one eſpecial reaſon among others hath increaſed that fear among us, for that whereas the Subſidies of Tonnage and Poundage, which determined upon the death of your moſt Royal Father, our late Sovereign, and were never payable to any of your Majeſty's Anceſtors, but onely by a ſpecial Act of Parliament, and ought not to be levied without ſuch an Act; yet ever ſince the beginning of your Majeſty's happy Reign over us, the ſaid Subſidies have bẽn levied by ſome of your Majeſty's Miniſters, as if they were ſtill due; although alſo one Parliament hath bẽn ſince then begun, and diſſolved by procurement of the ſaid Duke, as is before ſhewed, wherein no Act paſſed for the ſame Subſidies. Which example is ſo much againſt the conſtant uſe of former times, and the known Right and Liberty of your Subjects, that it is an apparent effect of ſome new Counſels given againſt the antient ſetled courſe of Government of this your Majeſty's Kingdom, and chiefly againſt the Right of your Commons, as if there might be any Subſidy, Tax, or Aid levied upon them, without their conſent in Parliament, or contrary to the ſetled Laws of this Kingdom. But if any ſuch do ſo ill an office, as by the mis-repreſentation of the ſtate and right of your Majeſty's loyal Subjects, adviſe any ſuch new Counſels as the levying any Aid, Tax, or Subſidy among your People, contrary to the ſetled Laws of your Kingdom, we cannot, moſt gracious Sovereign, but eſteem them that ſhall ſo adviſe, not onely as Vipers, but Peſts to their King and Commonwealth, (as all ſuch were to both Houſes of Parliament expreſſly ſtyled by your moſt Royal Father) but alſo Capital Enemies as well to your Crown and Dignity, as to the Commonwealth. And we ſhall for our parts in Parliament ſhew as occaſion ſhall require, and be ready to declare their offences of this kind, ſuch as that may be rewarded with the higheſt puniſhment, as your Laws inflict on any offenders.

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These, and some of these things, amongst many other, (most gracious Sovereign) are those which have so much prevented a right understanding betwæn your Majesty and us, and which have possessed the hearts of your People and Loyal Commons with unspeakable sorrow and grief, finding apparently all humble and hearty endeavors mis-interpreted, hindred, and now at last almost frustrated utterly, by the interposition of the exessive and abusive power of one
A man; against whom we have just cause to protest, not only in regard of the particulars wherewith he hath been charged, which Parliamentary way we are enforced to insist upon, as matters which lie in our notice and proof, but also because we apprehend him of so unbridled Ambition, and so averse to the good and tranquility of the Church and State, that we verily believe him to be an Enemy to both: And therefore, unless we would betray our own duties to your Majesty, and those from whom we are trusted, we cannot but
B express our infinite grief, that he should have so great power and interest in your Princely affections, and under your Majesty wholly, in a manner, to engross to himself the Administration of your Affairs of the Kingdom, which by that means is drawn into a condition most miserable and hazardous.

Give us then leave, most dear Sovereign, in the name of all the Commons of this your Kingdom, prostrate at the feet of your Sacred Majesty, most humbly to beseech you, even for the Honour of Almighty
C God, whose Religion is directly undermined by the practise of that Party whom this Duke supports; For your Honour, which will be much advanced in the relieving of your People in this their great and general grievance; For the honour, safety, and welfare of your Kingdom, which by this means is threatned with almost unavoidable dangers; And for the love which your Majesty, as a good and loving Father, bears unto your good people, to whom we profess, in the pre-
D sence of Almighty God (the searcher of all hearts) you are as highly esteemed and beloved, as ever any of your Predecessors were, that you would be graciously pleased to remove this Person from access to your Sacred presence, and that you would not ballance this one man with all these things, and with the Affairs of the Christian World, which do all suffer so far, as they have relation to this Kingdom, chiefly by his means. For we protest to your Majesty, and to the whole World, That until this great Person be removed from intermedling with the great Affairs of State, we are out
E of hope of any good success; and do fear, that any money we shall or can give, will, through his mis-employment, be turned rather to the hurt and prejudice of this your Kingdom, than otherwise, as by lamentable experience we have found, in those large Supplies we have formerly and lately given.

But no sooner shall we receive redress and relief in this, (which, of all others, is our most insupportable grievance) but we shall forthwith proceed to accomplish your Majesty's own desire, for
F Supply, and likewise with all cheerfulness apply our selves to the perfecting of divers other great things, such as we think no one Parliament in one Age can parallel, tending to the stability, wealth, and strength, and honour of this your Kingdom, and the support of your Friends and Allies abroad: And we doubt not but

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through God's blessing, as you are the best, so shall you ever be the best beloved, and greatest Monarch that ever sat on the Royal Throne of this famous Kingdom.

. The grounds and causes which the King held forth for dissolving of this, and the former Parliament, appear in the ensuing Declaration. A

The King's Declaration of the causes of assembling and dissolving the two last Parliaments.

THe King's most Excellent Majesty, since his happy access to the Imperial Crown of this Realm, having by his Royal Authority summoned and assembled two several Parliaments; the first whereof was in August last, by Adjournment held at Oxford and there dissolved; and the other begun in February last, and continued until the Fifteenth day of this present month of June, and then, to B the unspeakable grief of himself, and (as he believeth) of all his good and well-affected Subjects, dissolved also: Although he well knoweth, that the Calling, Adjourning Proroguing, and Dissolving of Parliaments, being his great Council of the Kingdom, do peculiarly belong unto himself by an undoubted Prerogative inseparably united to his Imperial Crown; of which, as of his other Royal Actions, he is not bound to give an account to any but to God only, whose immediate Lieutenant and Vicegerent he is in these Realms and Dominions, C by the Divine Providence committed to his charge and government: Yet forasmuch as by the assistance of the Almighty, his purpose is so to order himself, and all his actions, especially in the great and publick Actions of State, concerning the weal of his Kingdoms, as may justifie themselves, not only to his own Conscience, and to his own People, but to the whole World; his Majesty hath thought fit and necessary, as the affairs now stand both at home and abroad, to make a true, plain, and clear Declaration of the Causes which moved his D Majesty to assemble, and after enforced him to dissolve these Parliaments, that so the mouth of malice it self may be stopped, and the doubts and fears of his own good Subjects at home, and of his Friends and Allies abroad may be satisfied, and the deserved blame of so unhappy accidents may justly light upon the Authors thereof.

When his Majesty, by the death of his dear and Royal Father of ever blessed memory, first came to the Crown, he found himself engaged in a War with a Potent Enemy; not undertaken rashly, nor E without just and honourable grounds, but enforced for the necessary defence of himself and his Dominions, for the support of his Friends and Allies, for the redeeming of the antient Honour of this Nation, for the recovering of the Patrimony of his dear Sister, her Consort, and their Children, injuriously, and under colour of Treaties and Friendship, taken from them, and for the maintenance of the true Religion, and invited thereunto, and encouraged therein by the humble advice of both the Houses of Parliament, and by their large pro- F mises and protestations to his late Majesty, to give him full and real assistance in those Enterprises, which were of so great importance to this Realm, and to the general peace and safety of all his Friends and Allies: But when his Majesty entred into a view of his Treasure,

Treasure, he found how ill provided he was to proceed effectually with so great an action, unless he might be assured to receive such Supplies from his loving Subjects, as might enable him to manage the same. 2 Caroli

Hereupon his Majesty, being willing to tread in the steps of his Royal Progenitors, for the making of good and wholsom Laws for the better Government of his People, for the right understanding of their true Grievances, and for the supply of Moneys to be employed for those publick services, he did resolve to summon a Parliament with all convenient speed he might; and finding a former Parliament already called in the life of his Father, he was desirous, for the speedier dispatch of his weighty affairs, and gaining of time, to have continued the same without any alteration of the Members thereof, had he not been advised to the contrary by his Judges and Council at Law; for that it had been subject to question in Law, which he desired to avoid. But as soon as possible he could, he summoned a new Parliament, which he did with much confidence and assurance of the love of his People, that those (who had, not long before, with some importunity, won his Father to break off his former Treaties with *Spain*, and to effect it, had used the mediation of his now Majesty, being then Prince, and a Member of the Parliament, and had promised in Parliament their utmost assistance, for the enabling of his late Majesty to undergo the War, which they then foresaw might follow) would assuredly have performed it to his now Majesty, and would not have suffered him, in his first Enterprise of so great an expectation, to have run the least hazard through their defaults.

This Parliament (after some Adjournment, by reason of his Majesty's unavoidable occasions interposing) being assembled on the Eighteenth day of June, it is true, that his Commons in Parliament taking into their due and serious consideration the manifold occasions, which, at his first entry, did press his Majesty, and his most important affairs, which, both at home and abroad, were then in action, did, with great readiness and alacrity, as a pledge of their most bounden duty and thankfulness, and as the first fruits of the most dutiful affections of his loving and loyal Subjects, devoted to his service, present his Majesty with the free and cheerful gift of two entire Subsidies: which their gift, and much more the freeness and heartiness expressed in the giving thereof, his Majesty did thankfully and lovingly accept: But when he had more narrowly entred into the consideration of his great affairs, wherein he was embarqued, and from which he could not, without much dishonour and disadvantage withdraw his hand, he found, that this sum of money was much short of that, which of necessity must be presently expended, for the setting forward of those great Actions, which, by advice of his Council, he had undertaken, and were that Summer to be pursued. This his Majesty imparted to his Commons House of Parliament; but before the same could receive that debate and due consideration which was fit, the fearful Visitation of the Plague in and about the Cities of London and Westminster, where the Lords and the principal Gentlemen of Quality of his whole Kingdom were for the time of this their service, lodged and abiding, did so much increase, that his Majesty, without extream peril to the lives of his good Subjects, which were dear unto him, could not continue the Parliament any longer in that place.

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His Majesty therefore, on the eleventh day of July then following, adjourned the Parliament from Westminster, until the first day of August then following, at the City of Oxford. And his Highness was so careful to accomodate his Lords and Commons there, that as he made choice of that place, being then the freest of all others from the danger of that grievous Sickness, so he there fitted the Parliament-men with all things convenient for their entertainment: And his Majesty himself being in his own heart sincere and free from all Ends upon his People, which the Searcher of hearts best knoweth, he little expected, that any misconstruction of his actions would have been made as he there found. But when the Parliament had been a while assembled, and his Majesty's affairs opened unto them, and a further Supply desired, as necessity required, he found them so slow, and so full of delays and diversions in their Resolutions, that before any thing could be determined, the fearful Contagion daily increased, and was dispersed into all parts of this Kingdom, and came home even to their doors where they assembled. His Majesty therefore rather preferred the safety of his People from that present and visible danger, than the providing for that which was more remote, but no less dangerous to the State of this Kingdom, and of the affairs of that part of Christendom which then were, and yet are in friendship and alliance with his Majesty. And thereupon his Majesty, not being then able to discern when it might please God to stay his hand of Visitation, nor what place might be more secure than other, at a time convenient for their re-assembling, his Majesty dissolved that Parliament.

That Parliament being now ended, his Majesty did not therewith cast off his Royal care of his great and important affairs; but by the advice of his Privy-Council, and of his Council of War, he continued his preparations, and former resolutions; and therein not only expended those moneys, which by two Subsidies aforesaid were given unto him for his own private use, whereof he had too much occasion, as he found the state of his Exchequer at his first entrance, but added much more of his own, as by credit, and the credit of some of his Servants he was able to compass the same. At last, by much disadvantage, by the retarding of provisions, and uncertainty of the means, his Navy was prepared and set to Sea, and the Designs unto which they were sent and specially directed, were so probable, and so well advised, that had they not miscarried in the execution, his Majesty is well assured they would have given good satisfaction, not only to his own People, but to all the world, that they were not lightly or unadvisedly undertaken and pursued. But it pleased God, who is the Lord of Hosts, and unto whose providence and good pleasure his Majesty doth, and shall submit himself, and all his endeavours, not to give that success which was desired: And yet were those attempts not altogether so fruitless as the envy of the times hath apprehended, the Enemy thereby receiving no small loss, nor our party no little advantage. And 'twould much avail to further his Majesty's great affairs, and the peace of Christendom, which ought to be the true end of all hostility, were these first beginnings, which are most subject to miscarry, well seconded and pursued, as his Majesty intended, and as, in the judgment of all men, conversant in his actions of this nature, were fit not to have been neglected.

These

2 Caroli.

These things being thus acted, and God of his infinite goodness, beyond expectation, allwaging the rage of the Pestilence, and, in a manner, of a sudden restoring health and safety to the Cities of London and Westminster, which are the fittest places for the resort of his Majesty, his Lords and Commons to meet in Parliament; his Majesty in the depth of Winter, no sooner descried the probability of a safe assembling of his people, and in his Princely wisdom and providence foresaw, that
A if the opportunity of Seasons should be omitted, preparations both defensive and offensive could not be made in such sort as was requisite for their common safety, but be advised and resolved of the summoning of a new Parliament, where he might freely communicate the necessities of the State, and the counsel and advice of the Lords and Commons in Parliament, who were the representative Body of the whole Kingdom, and the great Council of the Realm, might proceed in these enterprises, and be enabled thereunto, which concern the common good,
B safety and honour both of Prince and People; and accordingly the sixth of February last, a new Parliament was begun. At the first meeting, his Majesty did forbear to press them with any thing which might have the least appearance of his own interest, but recommended unto them the care of making good Laws, which are the ordinary subject for a Parliament.

His Majesty believing, that they could not have suffered many days, much less many weeks, to have passed by, before the apprehension and
C care of the common safety of this Kingdom, and the true Religion, professed and maintained therein, and of our Friends and Allies, who must prosper, or suffer with us, would have led them to a due and timely consideration of all the means which might best conduce to those ends; which the Lords of the higher House, by a Committee of that House, did timely and seasonably consider of, and invited the Commons to a Conference concerning that great business: At which Conference there were opened unto them the great occasions which pressed his
D Majesty; which making no impression with them, his Majesty did, first, by Message, and after by Letters, put the House of Commons in mind of that which was most necessary, the defence of the Kingdom, and due and timely preparations for the same.

The Commons House after this, upon the 27 of March last, with one unanimous consent at first, agreed to give unto his Majesty three entire Subsidies, and three Fifteens, for a present Supply unto him; and upon the 26 of April after, upon second cogitations, they added a
E fourth Subsidy, and ordered the days of payment for them all, whereof the first should have been on the last day of this present June. Upon this, the King of Denmark, and other Princes and States, being engaged with his Majesty in this common Cause, his Majesty fitted his occasions according to the times which were appointed for the payment of those Subsidies and Fifteens, and hasted on the Lords Committees, and his Council of War, to perfect their resolutions for the ordering
F and setling of his designs; which they accordingly did, and brought them to that maturity, that they found no impediment to a final conclusion of their Counsels, but want of Money to put things into action. His Majesty hereupon, who had with much patience expected the real performance of that which the Commons had promised, finding the time of the year posting away, and having intelligence not only from

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from his own Miniſters and Subjects in Foreign parts, but from all parts of Chriſtendom, and of the great and powerful preparations of the King of Spain, and that his deſign was upon this Kingdom, or the Kingdom of Ireland, or both, (and it is hard to determine which of them would be of worſt conſequence) he acquainted the Houſe of Commons therewith, and laid open unto them truly and clearly, how the ſtate of things then ſtood, and yet ſtand, and at ſeveral times, and upon ſeveral occaſions reiterated the ſame: But, that Houſe being abuſed by the violent and ill adviſed paſſions of a few Members of the Houſe, for private and perſonal ends, ill beſeeming publick perſons, truſted by their Countrey, as then they were, not only neglected, but wilfully refuſed to hearken to all the gentle admonitions which his Majeſty could give them, and neither did nor would intend any thing, but the proſecution of one of the Peers of this Realm, and that in ſuch a diſordered manner, as being ſet at their own inſtance into a legal way, wherein the proofs on either part would have ruled the cauſe, which his Majeſty allowed, they were not therewith content, but in their intemperate paſſions, and deſires to ſeek for Errors in another, fell into a greater Error themſelves, and not only neglected to give juſt ſatisfaction to his Majeſty in ſeveral cales which happened concerning his Regality, but wholly forgot their engagements to his Majeſty for the publick defence of the Realm: Whereupon his Majeſty wrote the forementioned Letter to the Speaker, dated the ninth day of June, 1626.

Notwithſtanding which Letter read in the Houſe, being a clear and gracious Manifeſt of his Majeſty's Reſolutions, they never ſo much as admitted one Reading to the Bill of Subſidies, but inſtead thereof, they prepared and voted a Remonſtrance or Declaration, which they intended to prefer to his Majeſty, containing (though palliated with glolling terms) as well many honourable aſperſions upon his Majeſty, and upon the ſacred memory of his deceaſed Father, as alſo dilatory excuſes for their not proceeding with the Subſidies, adding thereto alſo coloured conditions, croſſing thereby his Majeſty's direction; which his Majeſty underſtanding, and eſteeming (as he had cauſe) to be a denial of the promiſed Supply, and finding, that no admonitions could move, no reaſons or perſwaſions could prevail, when the time was ſo far ſpent, that they had put an impoſſibility upon themſelves to perform their promiſes, which they eſteemed all gracious Meſſages unto them to be but interruptions: His Majeſty upon mature adviſement, diſcerning that all further patience would prove fruitleſs, on the Fifteenth day of this preſent month he hath diſſolved this unhappy Parliament; the acting whereof, as it was to his Majeſty an unexpreſſible grief, ſo the memory thereof doth renew the hearty ſorrow, which all his good and well-affected Subjects will compaſſionate with him.

A B C D E F

Theſe paſſages his Majeſty hath at the more length, and with the true circumſtances thereof, expreſſed and publiſhed to the World, leſt that which hath been unfortunate in it ſelf, through the malice of the Author of ſo great a miſchief, and the malevolent report of ſuch as are ill-affected to this State, or the true Religion here profeſſed, or the fears or jealouſies of Friends and dutiful Subjects, might be made more unfortunate in the conſequences of it, which may be of worſe

effect

effect than at the firſt can be well apprehended; and his Majeſty, being beſt privy to the integrity of his own heart, for the conſtant maintaining of the ſincerity and unity of the true Religion profeſſed in the Church of England, and to free it from the open contagion of Popery, and ſecret infection of Schiſm, of both which, by his publick Acts and Actions, he hath given good teſtimony, and with a ſingle heart, as in the preſence of God, who can beſt judge thereof, purpoſeth re-
A ſolutely and conſtantly to proceed in the due execution of either; and obſerving the ſubtilty of the adverſe party, he cannot but believe that the hand of Joab hath been in this diſaſter, that the common Incendiaries of Chriſtendom have ſubtilly and ſecretly inſinuated thoſe things, which unhappily (and, as his Majeſty hopeth, beyond the intentions of the Actors) have cauſed theſe diverſions and diſtractions: and yet notwithſtanding, his moſt excellent Majeſty, for the comfort of his good and well-affected Subjects, in whoſe loves he doth repoſe himſelf
B with confidence, and eſteemeth it as his greateſt riches; for the aſſuring of his Friends and Allies, with whom, by God's aſſiſtance, he will not break in the ſubſtance of what he hath undertaken; for the diſcouraging of his Adverſaries, and the Adverſaries of his Cauſe, and of his Dominions, and Religion, hath put on this reſolution, which he doth hereby publiſh to all the World, That as God hath made him King of this great People, and large Dominions, famous in former Ages both by Land and Sea, and truſted him to be a
C Father and Protector both of their Perſons and Fortunes, and a Defender of the Faith, and true Religion; ſo he will go on cheerfully and conſtantly in the defence thereof (and notwithſtanding ſo many difficulties and diſcouragements) will take his Sceptre and Sword into his hand, and not expoſe the Perſons of the People committed to his charge to the unſatiable deſires of the King of Spain, who hath long thirſted after the Univerſal Monarchy, nor their Conſciences to the yoke of the Pope of Rome: And that at home he will take that care
D to redreſs the juſt grievances of his good Subjects, as ſhall be every way fit for a good King.

And in the mean time his Majeſty doth publiſh this to all his loving Subjects, that they may know what to think with truth, and ſpeak with duty, of his Majeſty's actions and proceedings in theſe two laſt diſſolved Parliaments.

E *Given at his Majeſty's Palace at* Whitehal *this Thirteenth day of* June, *in the ſecond year of his Majeſty's Reign of* Great Britain, France, *and* Ireland.

The King takes notice of the intended Remonſtrance in a Proclamation.

Moreover the King publiſhed a Proclamation, taking notice of a Remonſtrance drawn by a Committee of the late Commons Houſe, and by them intended to have been preſented to him, wherein, he ſaid, are ma-
F ny things contained to the diſhonour of himſelf, and his Royal Father of bleſſed memory, and whereby, through the ſides of a Peer of this Realm, they wound their Sovereign's honour; as alſo, that ſome Members of that Houſe, ill-affected to his Service, to vent their own paſſions againſt that Peer, and to prepoſſeſs the world with an ill opinion of him, before his Cauſe were heard in a Judical way, have before-hand ſcattered Copies of

that

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that intended Declaration, whereby to detract from their Sovereign. Wherefore his Majeſty, for the ſuppreſſing of his inſufferable wrong to himſelf, doth command, upon pain of his indignation and high diſpleaſure, all perſons of whatſoever quality, who have, or ſhall have, hereafter, any Copies or Notes of the ſaid Remonſtrance, or ſhall come to the view thereof, forthwith to burn the ſame, that the memory thereof may be utterly aboliſhed, and never give occaſion to his Majeſty to renew the remembrance of that, which, out of his grace and goodneſs, he would gladly forget. A

Another Proclamation againſt preaching or diſputing the Arminian Controverſies, *pro* or *con*.

In another Proclamation, the King declared his Religious care of the Peace of this Church and Commonwealth of *England*, and other his Dominions, and taking notice, that in all Ages great diſturbances, both to Church and State, have enſued out of ſmall beginnings, when the ſeeds of contention were not timely prevented; and finding, that of late, ſome Queſtions and opinions ſeem to have been broached in matters of Doctrine and Tenets of our Religion, at firſt only intended againſt Papiſts, have afterwards, by the ſharp and indiſcreet handling of ſome of either Party, given much offence to the ſober and well-grounded Readers, and raiſed ſome hopes in the Roman Catholicks, that, by degrees, the Profeſſors of our Religion may be drawn firſt to Schiſm, and afterwards to plain Popery. His Majeſty, in the integrity of his own heart, and ſingular Providence, for the peaceable government of that People, which God hath committed to his charge, hath thought fit, by the advice of his Reverend Biſhops, to declare and publiſh, not only to his own People, but alſo to the whole world, his utter diſlike of all thoſe, who to ſhew the ſubtilty of their Wits, or pleaſe their own humors, or vent their own paſſions, ſhall adventure to ſtart any new Opinions, not only contrary to, but differing from the ſound and Orthodox grounds of the Religion, eſtabliſhed in the Church of *England*; and alſo to declare his full and conſtant Reſolution, that neither in Doctrine nor Diſcipline of the Church, nor in the Government of the State; he will admit of the leaſt innovation, but, by God's aſſiſtance, will ſo guide the Sceptre of theſe Kingdoms, as ſhall be moſt for the comfort and aſſurance of his ſober, religious, and well-affected Subjects, and for the repreſſing and ſevere puniſhing of the inſolencies of ſuch, as out of any ſiniſter reſpects or diſaffection to his Majeſty's Perſon or Government, ſhall dare, either in Church or State, to diſturb the Peace thereof: Wherefore he doth ſtraitly charge and command all his Subjects of his Realms of *England* and *Ireland*, of what degree ſoever, eſpecially thoſe who are Church-men, from henceforth to carry themſelves ſo wiſely, warily, and conſcionably, that neither by Writing, Preaching, Printing, Conferences, or otherwiſe, they raiſe, publiſh, or maintain any other Opinions concerning Religion, than ſuch as are clearly warranted by the Doctrine and Diſcipline of the Church of *England*, eſtabliſhed by Authority. And enjoyneth his Reverend Archbiſhops and Biſhops in their ſeveral Dioceſes, ſpeedily to reclaim and repreſs all ſuch ſpirits, as ſhall in the leaſt degree attempt to violate this Bond of Peace; and all the Miniſters of Juſtice were required to execute his Majeſty's Pious, and Royal pleaſure herein expreſſed; and if any ſhall take the boldneſs to neglect this gracious Admonition, his Majeſty will proceed againſt ſuch offenders with that ſeverity, as their contempt ſhall deſerve, that by their exemplary puniſhment, others may be warned, and that thoſe that be ſtudious of the peace and proſperity of this Church, and Com- B C D E F

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Common-wealth, may bleſs God for his Majeſties pious, religious, wiſe, juſt and gracious Government.

The effects of this Proclamation, how equally ſoever intended, became the ſtopping of the *Puritans* mouths, and an uncontrolled liberty to the Tongues and Pens of the *Arminian* Party.

A Shortly after, an Information was preferred, by the Kings ſpecial command, in the *Star-chamber*, againſt the Duke of *Buckingham*, for high offences and miſdemeanors; wherein he was charged (amongſt other things) with the particulars mentioned in the laſt Article exhibited againſt him by the Houſe of Commons, concerning the Plaiſter applied to King *James*. To which the Duke put in this Anſwer, and divers Witneſſes were examined. But the cauſe came not to a judicial hearing in the Court, as it is afterwards expreſſed.

The King commands an Information to be preferred againſt the Duke in *Star-Chamber*.

B And now the King taking into conſideration the preſent ſtraits and inconveniencies, into which the Revenue of the Crown was faln, and the preſſing neceſſity of his Affairs, did, by the advice and inſtance of his Council, reſolve and declare, That all men of what quality and condition ſoever, ſhall, from henceforth, upon pain of his diſpleaſure, forbear two years ſpace to preſent or ſolicite any ſuit for any thing prohibited in the Book of *Bounty*, publiſhed in King *James* his time, or any other things that ſhall import the diminution of his Majeſties Revenue.

The King forbids to ſolicite any Suit prohibited in the Book of *Bounty*.

C And for the advancement of the ſaid Revenue ariſing by Cuſtoms, Subſidies, and Impoſts upon all Goods and Merchandizes, exported and imported.

The Privy-Council declared, That it hath been conſtantly continued for many Ages, and is a principal and moſt neceſſary part of the Revenue of the Crown, and that in the two laſt Parliaments it hath been thought upon, but could not be ſetled by their Authority, by reaſon of their diſſolution, before the matters therin treated could be brought to perfection:

The Council order all Cuſtoms to be paid.

D Nevertheleſs, that it was then intended to have been confirmed by Parliament, as it hath been from time to time by many Deſcents and Ages.

Whereupon they ordered, That all ſuch Duties and Merchandizes ſhall be levied and paid: and they adviſed the King, That the Attorney General prepare for his Majeſties Signature an Inſtrument, which may paſs under the great Seal of *England*, to declare his pleaſure therein, until by Parliament, as in former times, it may receive an abſolute ſettlement: which paſſed the Great Seal accordingly.

E The Forfeitures ariſing to the Crown by execution of the Laws againſt Prieſts, Jeſuits, and Popiſh Recuſants, were dedicated to the vaſt and growing charge of the Deſigns in hand. And complaint being made againſt Inferiour Officers, whoſe ſervice was herein employed, that they had miſdemeaned themſelves, to the oppreſſing of Recuſants, without advantage to the King; Commiſſioners of Honourable Quality were appointed for the regulating of theſe proceedings; yet no liberty given to the encouragement or countenance of ſuch dangerous perſons,

And Forfeitures ariſing from Recuſants.

F as might infect the People, or trouble the Peace of Church and State,

The King therefore grants a Commiſſion under the Great Seal, directed to the moſt Reverend Father in God, *Toby* Archbiſhop of *York*, Sir *John Savile* Knight, Sir *George Manners*, Sir *Henry Slingsby*, Sir *William*

A Commiſſion to compound with Recuſants.

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William Ellis Knights, and to divers other Knights and Gentlemen, and therein recites.

That his Majesty hath received credible Information of the great loss and damages which the Kings Subjects, living in Maritime Towns, especially in the Northern parts, do suffer by depredations, attempts and assaults at Sea from Foreign Enemies, whereby Trade from those parts is interrupted, and the City of London much endamaged for want of Coals and other Commodities, usually transported thither from Newcastle upon Tine: For redress of which evil, his Majesty doth think fit to appropriate and convert all such Debts, sums of Money, Rents, Penalties, and Forfeitures of all Recusants inhabiting in the Counties of York, Durham, Northumberland, Cumberland, Westmerland, Lancaster, Nottingham, Derby, Stafford, and Chester, which at any time have grown due since the Tenth year of King James, and are not yet satisfied, or which hereafter shall grow due by reason of any Law or Statute against Recusants, to be employed for the maintenance, provision, arming, manning, victualling, and furnishing of Six able Ships of War for guarding and defending the Coast of this Realm, from the furthest North-East point of the Sea, unto the mouth of the River of Thames. His Majesty further expressing in the said Commission, That his Subjects who are owners of Coal-pits, the Oast-men of Newcastle upon Tine, owners of Ships and Merchants, Buyers and Sellers of Newcastle Coals, have been and are willing to contribute and pay for every Chaldron for the uses aforesaid. Wherefore his Majesty upon the considerations beforementioned, doth by his said Commission give power unto the said Commissioners, or any four or more of them, to treat and make Composition and Agreement with the said Recusants, inhabiting within the said Counties, for Leases of all their Manors, Lands, Tenements, &c. within these Counties for any term of years, not exceeding One and forty years; and for all Forfeitures due since the tenth year of King James for their Recusancy, in not going to Church to hear Divine Service, according to the Laws and Statutes of this Realm, under such Condition and Immunities, as they or any four of them shall see meet and convenient, according to such Instructions as his Majesty hath or shall give to that purpose; his Majesty rather desiring their Conversion than Destruction. And such Leases his Majesty doth declare, made to the said Recusants themselves, or to any persons for their use, shall be good and effectual, any Law or Statute to the contrary notwithstanding.

A B C D E

And by the said Commission Sir *John Savile* was appointed Receiver of all such sums of Money as shall be paid upon these Leases; and Mr. *Alexander Davison* of the Town of *Newcastle* upon *Tine*, Merchant Adventurer, was appointed to receive out of the voluntary and free-will Contribution of the Owners, Buyers, and Sellers of Coals, the Six pence *per* Chaldron of Coals. In pursuance of this Commission, the Recusants did make their Composition upon very easie terms, as was afterwards complained of in Parliament. F

A Proclamation to make the Kings Revenue certain.

A Proclamation was published, declaring the Kings Resolution to make his Revenue certain, by granting his Lands, as well holden by Copy, as otherwise, to be holden in Fee-farm.

To

2 *Caroli.*

To the Nobles the King ſent particularly to let them know, That according to the Preſidents of former times, wherein the Kings and Queens of *England*, upon ſuch extraordinary occaſions have had recourſe to thoſe Contributions which aroſe from the Subjects in general, or to the private helps of ſome that were well affected; he doth now expect from them ſuch a large and chearful teſtimony of their Loyalty, as may be acceptable to himſelf, and exemplary to his People.

The King ſends to the Nobles to lend him liberally.

A His Majeſty demanded of the City of *London* the Loan of an hundred thouſand pounds. But the Peoples excuſes were repreſented unto the Council-Table by the Magiſtrates of the City. Immediately the Council ſent a very ſtrict command to the Lord Mayor and Aldermen, wherein they ſet forth the Enemies ſtrong preparations as ready for an Invaſion, and the Kings great neceſſities, together with his gracious and moderate Propoſals in the Sum required, and the frivolous pretences upon which they excuſe themſelves: Wherefore they require them, all excuſes being B ſet apart, to enter into the buſineſs again, and to manage the ſame, as appertaineth to Magiſtrates ſo highly intruſted: and in a time of ſuch neceſſities, and to return to his Majeſty a direct and ſpeedy Anſwer, that ſo he may know how far he may rely upon their Faith and Duty; or in default thereof, may frame his Counſels as appertaineth to a King in ſuch extreme and important occaſions.

He demands of the City the Loan of one hundred thouſand pounds.

Moreover, a peculiar charge was laid upon the ſeveral Ports and Maritime Countries, to furniſh and ſet out Ships for the preſent ſervice. The C Privy-Council expreſſing his Majeſties care and providence to guard his own Coaſts, againſt attempts from *Spain* and *Flanders*, by arming as well the Ships of his Subjects, as of his own Navy, made a diſtribution to every Port, that with the Aſſiſtance and Contribution of the Counties adjoyning, they prepare ſo many Ships as were appointed to them ſeverally; and in particular the City of *London* was appointed to ſet forth Twenty of the beſt Ships that lay in the River, with all manner of Tackle, Sea-ſtores, and Ammunition, Manned and Victualled for three D moneths.

The Port-Towns are to furniſh Ships.

The Deputy-Lieutenants and Juſtices of the Peace at *Dorſet*, having received the Kings commandment for the ſetting forth of Ships from the Ports of *Pool*, *Weymouth*, and *Lime*, with the aſſiſtance of Contributions from the Counties adjoyning, preſented to the Council-Table an excuſe in the behalf both of the Ports and County, and pleaded, That the Caſe was without Preſident.

The Ports of *Dorſetſhire* ſend an excuſe

The Council gave them a check, for that inſtead of conformity, they E diſputed the Caſe, letting them know, That State-occaſions, and the defence of the Kingdom in times of extraordinary danger, were not to be guided by ordinary Preſidents.

In like manner the Lord Mayor and Commonalty of *London* petitioned the Council for an Abatement of the twenty Ships rated upon them, unto ten Ships and two Pennaces, alledging diſability: Whereunto the Council gave this following Anſwer, That the former commandment was neceſſary, the preſervation of the State requiring it; and F that the Charge impoſed on them was moderate, as not exceeding the value of many of their private Eſtates: That Petitions and Pleadings to this Command, tend to the danger and prejudice of the Common-wealth, and are not to be received: That as the Commandment was given to all in general, and every particular of the City; ſo the State will require an account both of the City in general, and of every particlar.

The City of *London* deſires an abatement of their Ships.

Are cheekt by the Council.

An. 1626.

And whereas they mention Preſidents, they might know, that the Preſidents of former times were Obedience, not Direction; and that Preſidents were not wanting for the puniſhment of thoſe that diſobey his Majeſties commands, ſignified by that Board, which they hope ſhall have no occaſion to let them more particularly underſtand.

Hereupon the Citizens were glad to ſubmit, and declared their conſent to the Kings demands, and by Petition to the Council had the favour to nominate all the Officers of theſe twenty Ships, the Captains onely excepted, the nomination of whom appertaineth to the Lord High Admiral of *England*. A

Privy Seals iſſued out.

Then there were likewiſe iſſued forth Privy Seals to ſeveral perſons; to others the way of Benevolence was propoſed.

And becauſe the late Parliament reſolved to have given the King Four Subſidies and Three Fifteens, the Sums which the King required, were according to that propotion. And to prevent miſunderſtanding, it was declared unto the Countrey, that the Supplies now demanded were not the Subſidies and Fifteens intended to be given by the Parliament, but meerly a free gift from the Subject to the Sovereign, upon ſuch weighty and preſſing occaſions of State. B

The Juſtices of Peace in the ſeveral Counties were directed by the Privy Council to ſend for Perſons able to give, and to deal with them ſingly, by uſing the moſt prevailing perſwaſions.

A Faſt obſerved. Amidſt theſe preparations, the Kingdom being expoſed to dangers, both Foreign and Domeſtick, a general Faſt was held on the fifth of *July*, in the Cities of *London* and *Weſtminſter*, and places adjacent; and on the ſecond of *Auguſt* throughout the Kingdom, to implore a bleſſing upon the endeavours of the State, and the diverting of thoſe judgments which the ſins of the Land deſerve and threaten. C

Comiſſions to Deputy-Lieutenants to Muſter, Try, and Array men. And for the defence of this Realm, threatned with a powerful Invaſion, extraordinary Comiſſions were given to the Lords Lieutenants of the ſeveral Counties, to muſter the Subjects of whatſoever degree or dignity, that were apt for War, and to try and array them, and cauſe them to be armed according to the degrees and faculties, as well men of Arms as other Horſemen, Archers and Footmen, and to lead them againſt publick Enemies, Rebels and Traitors, and their adherents, within the Counties of their Lieutenancy, to expreſs, ſlay, and ſubdue them, and to execute Martial Law, ſparing and putting to death according to diſcretion. D

And in caſe of Invaſions, Inſurrections, Rebellions, and Riots, without the limits of their reſpective Counties, to repair to the places of ſuch Commotions, and, as need required, to repreſs them by Battel, or any forcible means or otherwiſe, either by the Law of this Realm, or the Law Martial. E

Inhabitants withdrawn from Ports and Sea-Towns, required to return. In like manner, leſt the deſerting of the Coaſts, Ports, and Sea-Towns, ſhould expoſe thoſe places to become a prey, and invite the Enemy to an Invaſion, the Inhabitants, and thoſe that had withdrawn themſelves to Inland places, were required to return with their Families and Retinues, and there to abide during thoſe times of Hoſtility and Danger. F

Ships ſent to the River of *Elbe*. And for the ſecuring of the Coaſts from *Spain* or *Flanders*, ſome of the Kings Ships were employed in the River *Elbe*, to prevent the furniſhing of *Spain* from thoſe parts with materials for Shipping; which occaſioned a great diſcontent in thoſe of *Hamburgh*, for that their Neighbours

of

2 *Caroli.*

of *Lubeck*, and other Towns of the Eaſt-Sea, were free from this reſtraint; inſomuch that they reſolved to force their paſſage by a Fleet of fifty or threeſcore ſail of Ships.

Whereupon the Lord Admiral informed the Council, that his Majeſties charge at *Hamburgh* was expended to little purpoſe, except alſo the *Sound* could be ſhut up againſt all Shipping that ſhould carry prohibited Commodities, eſpecially ſince the *Hamburghers* ſend their Commodities by Land to *Lubeck*, to be tranſported from thence into *Spain*; and that the States and the King of *Denmarks* Ships are departed from the *Elbe*, and have left the Engliſh alone.

A

Moreover the King prepared a Royal Fleet, which was now at *Portſmouth*, ready to put to Sea under the command of the Lord *Willoughby*, and given out to be deſigned for *Barbary*.

A Fleet prepared.

The King of *Denmarks* Declaration why he takes up Arms againſt the Emperor.

The King of *Denmark* having put forth a Declaration of the cauſes and grounds wherefore he took up Arms againſt the Emperor, declared one cauſe thereof to be:

B

FOraſmuch as the Elector Palatine, by the procurement of the King of Great Britain, and him the King of Denmark, had offered the Submiſſion to his Imperial Majeſty, and to crave pardon; and thereupon was in hopes to have his Patrimony, with the Dignities of his Anceſtors, reſtored: Yet notwithſtanding, the Emperor did ſtill commit great ſpoils and acts of Hoſtility in his Countrey, giving no

C

regard to the ſaid Submiſſion, and had much damnified the Lower Saxony, by the Forces which he had brought thither under Tilly.

Whereupon (he ſays) the Princes of the Lower Saxony have deſired the aid and aſſiſtance of him the King of Denmark, to ſettle the Peace and Liberty of Germany, who was reſolved to take up Arms, and with whom he was reſolved for to joyn, having the like aſſurance from the King of Great Britain, who had deeply engaged to aſſiſt in this War, for the Reſtitution of the Elector Palatine,

D

Therefore the King of Denmark declares, That ſeeing all Prayers, Mediations and Acceſſions, cannot prevail with his Imperial Majeſty, he will endeavour to procure a Peace and Settlement by force, which he ſhould have been glad would have been ordained unto him upon fair terms of Treaty.

A Battel between the *Dane* and Emperor.

In the beginning of the year, divers Towns were taken by the King of *Denmark*, and ſome retaken by *Tilly*; but the ſeven and twentieth of

E

Auguſt decided the Controverſie: on which day, the King of *Denmark*, upon the approach of *Tilly* (deſiring to decline Battle with the Emperors old Soldiers, many of his own men being new levied Soldiers) endeavoured to make his retreat: but *Tilly* followed ſo cloſe his Rear-guard, that he kept them in continual action, till the King of *Denmark* ſaw no remedy, but that he muſt either fight, or loſe the Rear of his Army, and Train of Artillery. Whereupon his Commanders adviſed him to reſolve of a place of advantage, and face about, and give Battel; which accordingly they did, and both Armies drew near *Luttern*; the *Denmark*

F

Forces had the advantage of the ground, *Tilly* being much ſcanted in the Rear of his Army, for want of ground to place his Reſerves in. The *Dane* ſtood to the ſhock a while, but was preſently put to his Retreat, and all his Infantry diſperſed, Train of Artillery taken, and two and twenty Pieces of Canon. He loſt many great Commanders in the Fight, and many were taken Priſoners. In

An. 1626.

The overthrow of the King of *Denmark*, an inducement to the raiſing of Moneys by Loan.

In the moneth of *September*, the King being informed of the diſaſter that had befaln his Uncle (and principally alſo) the King of *Denmark*, whoſe engagement was chiefly for the Cauſe of the Elector *Palatine*, commanded his Council to adviſe by what means and ways he might fitly and ſpeedily be furniſhed with moneys ſuitable to the importance of the undertaking.

Hereupon, after a conſultation of divers days together, they came to this reſolution, That the urgency of Affairs not admitting the way of Parliament, the moſt ſpeedy, equal, and convenient means were, by a general Loan from the Subject, according as every man was aſſeſſed in the Rolls of the laſt Subſidy. A

A Declaration concerning Loan-Money.

Upon which Reſult, the King forthwith choſe Commiſſioners for the Loan, and cauſed a Declaration to be publiſhed, wherein he alledged for this courſe of Supply, the Reaſons ſet down at large in his late Declaration touching the Diſſolution of the Parliament. Adding further, That the urgency of the occaſion would not give leave to the calling of a Parliament; but aſſuring the People, that this way ſhould not be made a Preſident for the time to come to charge them or their Poſterity, to the prejudice of their juſt and ancient Liberties enjoyed under his moſt noble Progenitors; endeavouring thereby to root out of their minds the ſuſpition, that he intended to ſerve himſelf of ſuch ways, to the aboliſhing of Parliaments: and promiſing them in the word of a Prince, firſt, to repay all ſuch ſums of money as ſhould be lent without Fee or Charge, ſo ſoon as he ſhall in any ways be enabled thereunto, upon ſhewing forth the Acquittance of the Collectors, teſtifying the Receipt thereof. And ſecondly, That not one penny ſo borrowed, ſhould be beſtowed or expended, but upon thoſe publick and general Services, wherein every of them, and the Body of the Kingdom, their Wives, Children, and Poſterity, have their Perſonal and common Intereſt. B C

Private Inſtructions to the Commiſſioners for the general Loan.

Private Inſtructions were given to the Commiſſioners, how to behave themſelves in this Negotiation.

As firſt, That they ſhould themſelves, for a good example to others, lend unto his Majeſty the ſeveral ſums of money required of them, teſtifying it by their names, with their own hands, That when they ſhall in his Majeſties name require others to lend, they may diſcern the ſaid Commiſſioners forwardneſs. D

Secondly, To take for their guide thoſe Rates, at which men were aſſeſſed in the Book of the laſt Subſidy, and to require the Loan of ſo much money, as the entire rate and value comes to, at which they are rated and ſet; as (namely) he that is ſet an hundred pounds in Goods, to lend a hundred marks; and he that is ſet an hundred pounds in Land, to lend a hundred pounds in money; and ſo *per rata* for a greater or leſſer ſum. E

Thirdly, To uſe all poſſible endeavours to cauſe every man willingly and chearfully to lend, opening unto them the neceſſity and unavoidableneſs of this courſe, the Honour and Reputation of the Nation, the true Religion and common ſafety of Prince and People, of our Friends and Allies engaged in the common Cauſe; that there is no time now of diſputing, but of acting. F

Fourthly, That they appoint the days of payment to be within fourteen days, and perſwade ſuch as ſhall be able, to pay it at one entire payment, the better to accommodate his Majeſties occaſion; otherwiſe to accept of the one half at fourteen days, and the other

to

to be paid before the twentieth of *December*, now next coming. 2 *Caroli.*

Fifthly, That they treat apart with every one of thoſe that are to lend, and not in the preſence or hearing of any other, unleſs they ſee cauſe to the contrary. And if any ſhall refuſe to lend, and ſhall make delays, or excuſes, and perſiſt in their obſtinacy, that they examine ſuch perſons upon Oath, whether they have been dealt withall to deny or refuſe to lend, or make an excuſe for not lending? Who hath dealt ſo with him, and what ſpeeches or perſwaſions he or they have uſed to him, tending to that purpoſe? And that they ſhall alſo charge every ſuch perſon in his Majeſties name, upon his Allegiance, not to diſcloſe to any other what his Anſwer was.

Sixthly, That they ſhew their diſcretion and affections, by making choice of ſuch to begin with, who are likely to give the beſt examples; and when they have a competent number of Hands to the Roll or Liſt of the Leaders, that they ſhew the ſame to others to lead them in like manner.

Seventhly, That they endeavour to diſcover, whether any publickly, or underhand, be workers or perſwaders of others to diſſent from, or diſlike of this courſe, or hinder the good diſpoſition of others. And that, as much as they may, they hinder all diſcourſe about it, and certifie to the Privy-Council in writing the names, qualities, and dwelling-places of all ſuch refractory perſons with all ſpeed, and eſpecially if they ſhall diſcover any Combination or Confederacy againſt theſe proceedings.

Eighthly, That they let all men know whom it may concern, that his Majeſty is well pleaſed, upon lending theſe Sums required, to remit all that which by Letters, in his name, was deſired upon the late Benevolence for Free-grant; and what ever hath been already paid upon that account, ſhall be accepted for part of this Loan; and if it exceed the Sum deſired, that the overplus ſhall be repaid without Fee or Charge; ſo likewiſe for Privy-Seals, if any have been already paid: But if not, that the agreeing of the Loan of the Sum required, be excuſed of the payment of the Privy-Seal.

Ninthly, That they admit of no Suit to be made, or Reaſons to be given for the abating of any Sum, the time and inſtant occaſion not admitting any ſuch diſpute, which would but diſturb and protract the Sheriff.

Laſtly, the Commiſſioners were required and commanded, upon their Faith and Allegiance to his Majeſty, to keep ſecret to themſelves, and not impart or diſcloſe theſe Inſtructions to others.

To the Impoſition of Loan was added, the burthen of Billeting of Soldiers formerly returned from *Cadiz*, and the Moneys to diſcharge their Quarters were for the preſent levied upon the Countrey, to be repaid out of Sums collected upon the general Loan. Billeting of Soldiers.

The Companies were ſcattered here and there in the bowels of the Kingdom, and governed by Martial Law: The King gave Commiſſions to the Lords Lieutenants and their Deputies, in caſe of Felonies, Robberies, Murders, Outrages, or Miſdemeanors, committed by Marriners, Soldiers, or other diſorderly perſons joyning with them, to proceed according to certain Inſtructions, to the Trial, Judgment, and Execution of ſuch Offenders, as in time of War; and ſome were executed by thoſe Commiſſions. Commiſſions for Martial Law.

Nevertheleſs

An. 1626.

Nevertheleſs, the Soldiers brake out in great diſorders; they maſtered the People, diſturbed the peace of Families, and the Civil Government of the Land, there were frequent Robberies, Burglaries, Rapes, Rapines, Murthers, and barbarous Cruelties: Unto ſome places they were ſent for a puniſhment; and where ever they came, there was a general outcry. The High-ways were dangerous, and the Markets unfrequented; they were a terror to all, and undoing to many.

The Lords to advance the Loan.

Divers Lords of the Council were appointed to repair into their ſeveral Countries, for the advancement to the Loan, and were ordered to carry a Liſt of the names, as well of the Nobility and Privy-Counſellors, as of the Judges, and Sergeants at Law, that had ſubſcribed to lend, or ſent in money for the publick Service, to be a pattern and leading Example to the whole Nation. But Sir *Randolph Crew* ſhewing no zeal for the advancing thereof, was then removed from his place of Lord Chief Juſtice, and Sir *Nicholas Hide* ſucceeded in his room: A perſon, who for his parts and abilities, was thought worthy of that preferment; yet nevertheleſs came to the ſame with a prejudice, coming in the place of one ſo well beloved, and ſo ſuddenly removed; but more eſpecially by reaſon the Duke appeared in his advancement, to expreſs a grateful acknowledgment to that Knight, for the care and pains he took in drawing the Dukes Anſwer to the Impeachment in Parliament againſt him.

Sir *Randolph Crew* removed from his place, for not furthering the Loan.

This buſineſs of the Loan occaſioned a complaint to the Lords of the Council againſt the Biſhop of *Lincoln*, for publickly ſpeaking words concerning it, which was conceived to be againſt the King and Government.

Informations ſent to the Council-Table againſt the Biſhop of *Lincoln*.

Whereupon Sir *John Lamb* and Dr. *Sibthorp* informed the Council to this purpoſe, That many were grieved to ſee the Biſhop of *Lincoln* give place to unconformable Miniſters, when he turned back to thoſe that were conformable; and how the *Puritans* ruled all with him, and that divers *Puritans* in *Leiceſterſhire* being convented, his Lordſhip would not admit proceedings to be had againſt them.

That Dr. *Sibthorp* being deſired to ſtay at *Leiceſter* this year, as Commiſſary for the High Commiſſion there, the Countrey being much over-ſpread with *Puritaniſm*, Sir *John Lamb* and the ſaid Doctor did inform the Biſhop of *Lincoln*, when at *Bugden*, what factious *Puritans* there were in the County, who would not come up to the Table to receive the Communion kneeling; and that there were unlawful Faſts and Meetings kept in the County; and one Faſt that held from Nine in the Forenoon till Eight at Night; and that Collections for Moneys were made without Authority, upon pretence for the *Palatinate*: And therefore they deſired leave from the Biſhop to proceed againſt thoſe *Puritans Ex Officio*, The ſaid Biſhop replied, He would not meddle againſt the *Puritans*, for his part he expected not another Biſhoprick; they might complain of them, if they would, to the Council-Table; for he was under a Cloud already, and he had the Duke of *Buckingham* for his Enemy; and he would not draw the *Puritans* upon him, for he was ſure they would carry all things at laſt: Beſides, he ſaid, the King in the firſt year of his Reign had given Anſwer to a Petition of the Lower Houſe, in favour of the *Puritans**.

The Biſhop refuſes to proceed *Ex Officio* againſt the *Puritans*.

* Meaning the Petition againſt Recuſants at *Oxford*.

It appeared alſo, by the Information of others who were preſent at the Conference at *Bugden*, That Sir *John Lamb* and Dr. *Sibthorp*, did, notwithſtanding the Biſhops averſneſs, again preſs the Biſhop to proceed againſt

2 *Caroli.*

againſt the *Puritans* in *Leiceſterſhire*, the Biſhop asked them then what manner of people they were, and of what condition? For his part, he knew of none. To which Sir *John Lamb* replied (Dr. *Sibthorp* being preſent) That they ſeem to the World to be ſuch as would not Swear, Whore, nor Drink; but yet would Lie, Cozen, and Deceive: That they would frequently hear two Sermons a day, and repeat the ſame again too; and afterwards pray, and ſometimes faſt all day long. Then the Biſhop asked, Whether thoſe places, where thoſe *Puritans* were, did lend money freely upon the Collection of the Loan? To which Sir *John Lamb* and Dr. *Sibthorp* replied, That they did generally reſolve to lend freely: Then ſaid the Biſhop, No man of diſcretion can ſay, that that place is a place of *Puritans*: For my part (ſaid the Biſhop) I am not ſatisfied to give way to proceedings againſt them. At which Dr. *Sibthorp* was much diſcontented, and ſaid, He was troubled to ſee that the Church is no better regarded.

Puritans deſcribed by Sir *John Lamb*.

A

B

Theſe Informations being tranſmitted to the Council-Table, were ordered to be ſealed up, and committed to the cuſtody of Mr. *Trumbal*, one of the Clerks of the Council; nevertheleſs, the Biſhop of *Lincoln* uſed ſuch means, as he got a Copy of them.

For which, and ſome other matters, an Information was afterwards preferred againſt him in the *Star Chamber*. Of which, more at large, when we come in the next Volume to treat of the great and high proceedings of that Court.

Information in *Star-chamber* againſt the Biſhop of *Lincoln*.

C

Biſhop *Laud*, not long before this paſſage with the Biſhop of *Lincoln*, was informed, that the Biſhop of *Lincoln* endeavoured to be reconciled to the Duke; and that night that he was ſo informed, he dreamed, *That the Biſhop of Lincoln came with Iron Chaines, but reurned freed from them: That he leaped upon a Horſe, departed, and he could not overtake him.*

Biſhop *Laud* his Dream.

The Interpretation of his Dream may (not unfitly) be thus applied; His Chains might ſignifie the impriſonment of the Biſhop of *Lincoln* afterwards in the *Tower*; his returning free, to his being ſet at Liberty again at the meeting of the Parliament; his leaping on Horſe-back, and departing, to his going into *Wales*, and there commanding a Troop in the Parliaments ſervice; and that Biſhop *Laud* could not overtake him, might portend, that himſelf ſhould become a Priſoner in the ſame place, and he rendered thereby incapable to follow, much leſs to overtake him.

The Interpretation thereof.

D

At this time the King had Six thouſand Foot-Soldiers in the Service of the *United Provinces*, under the command of Sir *Charles Morgan*, Sir *Edward Herbert*, Sir *John Burlacy*, Sir *James Leviſton*, *&c.* for the aſſiſtance, of the States, againſt the increaſing power of *Spinola*. Upon the preſent occaſion, theſe Forces were called off from the States ſervices, to joyn with the King of *Denmark*, under the command of Sir *Charles Morgan*, againſt the common Enemy, the King of *Spain*, and his adherents.

Six thouſand Engliſh in the Service of the *united Provinces*.

E

Some few moneths after, One thouſand three hundred Foot more were embarqued at *Hull*, to be tranſported by Captain *Conisby* to the Town of *Stoad* in *Germany*, and there to be delivered over to the charge of the aforeſaid Sir *Charles Morgan*, General of the Engliſh Forces in the ſervice of the King of *Denmark*; a perſon of known Valour, and fit for Conduct of an Army.

Sir *Charles Morgan* General of the Engliſh Forces.

F

A. 1620. Some do refuſe the Loan, though others offered to lend the refuſers money, ſo they would but ſubſcribe.

But the Aſſeſsment of the general Loan did not paſs currently with the People; for diver perſons refuſed to ſubſcribe their names, and to lend after the rate propounded; and amongſt others, certain of the Pariſh of *Clement*, *Danes*, the *Savoy*, the *Dutchy*, and other parts within the Liberties of *Weſtminſter*, who firſt alleadged poverty: Whereunto reply was made, That if they would ſubſcribe, their ability ſhould be enquired of, before any thing were levied upon them; and in caſe they were found unable, they ſhould be diſcharged, notwithſtanding what they had under-written; and unto ſome of them, the money demanded was proffered to be given them. Nevertheleſs, they afterwards abſolutely refuſed to ſubſcribe their names, or to ſay, they were willing to lend, if able. Whereupon the Council directed their Warrant to the Commiſſioners of the Navy, to impreſs theſe Men to ſerve in the Ships ready to go out in his Majeſty's Service. A

They are ordered to be preſſed for Soldiers.

The Non-ſubſcribers of high Rank and Right, in all the Counties, were bound over by Recogniſance, to tender their appearance at the Council-Table, and performed the ſame accordingly, and divers of them were committed to Priſon; but the common ſort to appear in the Military-Yard near St *Martin's* in the Fields, before the Lieutenant of the *Tower* of *London*, by him to be there enrolled among the Companies of Soldiers; that they who refuſed to aſſiſt with their Purſes, ſhould ſerve in their Perſons for the common defence. B

The refuſers to lend were ſeverely dealt with.

The ſame Loan being demanded of the Society and Inns of Court, the Benchers of *Lincolns-Inn* received a Letter of reproof from the Lords of the Council, for neglecting the advance of Service in their Society, and to return the names of ſuch as were refractory. C

An. 1627. Dr. *Sibthorp's* Sermon concerning the Loan.

AND for the advancement of the ſaid Loan, Doctor *Sibthorp* now publiſhes in print a Sermon preached by him at *Northampton*, *February* the Two and twentieth, One thouſand ſix hundred twenty and ſix, at *Lent* Aſſizes, entituled, *Apoſtolical Obedience*. This Book was Licenced by the Biſhop of *London*, who did approve thereof, as a Sermon learnedly and diſcreetly Preached. It was dedicated to the King, and expreſſed to be the Doctor's Meditations, which he firſt conceived upon his Majeſty's Inſtructions unto all the Biſhops of this Kingdom, fit to be put in execution, agreeable to the neceſſity of the Times; and afterwards brought forth upon his Majeſty's Commiſſion, for the raiſing of Moneys by way of Loan. D

His Text was, *Rom.* 13. 7. *Render therefore to all their dues.* Among other paſſages he had this, *And ſeriouſly conſider how as* Jeroboam *took the opportunity and breach betwixt* Rehoboam *and his Subjects, to bring Idolatry into* Iſrael; *ſo the Papiſts lie at wait, if they could find a Rent between our Sovereign and his Subjects (which the Lord forbid) to reduce Superſtition in* England. *I ſpeak no more than what I have heard from themſelves, whilſt I have obſerved their forwardneſs to offer double, according to an Act of Parliament ſo providing; yea, to profeſs, that they would depart with the half of their Goods. And how, or why can this forwardneſs be in them, but in hope to caſt the imputation of forwardneſs upon us? And ſo to them (that which the Jeſuite will not ſuffer them to be) loving and loyal Subjects.* E

Alſo the ſaid Sermon holds forth, *That the Prince, who is the Head, and makes his Court and Council, it is his duty to direct and make Laws.* Eccleſ. 8. *3 and* 4. *He doth whatſoever pleaſes him. Where the word of the* F

King

King is, there is power, and who may ſay unto him, What doeſt thou?

And in another place he ſaith, *If Princes command any thing which Subjects may not perform, becauſe it is againſt the Laws of God, or of Nature, or impoſſible: Yet Subjects are bound to undergo the puniſhment, without either reſiſting, or railing, or reviling, and ſo to yield a Paſſive Obedience where they cannot exhibit an Active one.*

A *I know no other caſe,* ſaith he, *but one of thoſe three, wherein a Subject may excuſe himſelf with Paſſive Obedience; but in all other he is bound to Active Obedience.*

It is not our purpoſe to repeat his Sermon, the Reader may at leiſure inform himſelf more fully by the Printed Copy.

Doctor *Roger Manwaring* promoted the ſame buſineſs in two Sermons, preached before the King and Court at *Whitehall*, wherein he delivered for Doctrine to this purpoſe.

Dr. *Manwaring* in two Sermons promotes the Loan.

B "That the King is not bound to obſerve the Laws of the Realm con-
"cerning the Subjects Rights and Liberties, but that his Royal Will
"and Command in impoſing Loans and Taxes, without common conſent
"in Parliament, doth oblige the Subject's Conſcience upon pain of eternal
"damnation. That thoſe who refuſed to pay this Loan, offended againſt
"the Law of God, and the King's Supreme Authority, and became guilty
"of Impiety, Diſloyalty, and Rebellion. And that the Authority of Par-
C "liament is not neceſſary for the raiſing of Aids and Subſides; and that
"the ſlow proceedings of ſuch great Aſſemblies, were not fitted for the
"Supply of the States urgent neceſſities, but would rather produce ſun-
"dry impediments to the juſt deſigns of Princes.

The Papiſts at this time were forward and liberal on this occaſion, inſomuch that it was ſaid in thoſe times, That in the Point of Allegiance then in hand, the Papiſts were exceeding Orthodox, and the *Puritans* were the onely Recuſants.

D Diſtaſtes and jealouſies had for a while been nouriſhed between the Courts of *England* and *France*, which ſeemed to have riſen from Diſputes and Differences about the government of the Queens Family. By the Articles of Marriage it was agreed, That the Queen ſhould have a certain number of Prieſts for her Houſhold Chaplains, together with a Biſhop, who ſhould exerciſe all Eccleſiaſtical Jurisdiction in matters of Religion.

Diſtaſtes and jealouſies between *England* and *France*.

E Theſe, with other Romiſh Prieſts within this Realm, began to practiſe and teach, That the Pope, upon the Marriage-Treaty, aſſumed to himſelf, or his Delagates, the Jurisdiction of the Queens whole Family, eſpecially the Inſtitution and Deſtitution of the Eccleſiaſticks; and that the King of *England* had no power to intermeddle therein, becauſe he was an Heretick, the Pope threatning to declare thoſe to be Apoſtates that ſhould ſeek their eſtabliſhment from the King. Likewiſe the Queen inſiſted to have the ordering of her Family as her ſelf pleaſed, and the naming of her Officers and Servants; and being therein
F croſſed, did ſomewhat diſtaſte the King, and unkindneſs grew between them.

Theſe things the King repreſented to his Brother of *France*, imputing the ſame to the crafty and evil counſels of her Servants, rather than to her own inclination; and ſo declared, he could no longer bear with thoſe that were the known cauſes and fomenters of theſe diſtur-

An. 1626.

ances, but would preſently remove them from about his Wife, if there were nothing more than this, *That they had made her go to* Tiburn *in devotion to pray there.* Which action (as it was reported, his Majeſty ſaid) can have no greater invective made againſt it, than the bare relation; yet his Majeſty acknowledged, That the deportment of ſome of them was without offence; but others of them had ſo much abuſed his Patience, and affronted his Perſon (reflecting moſt upon Madam *Saint George*) that he was reſolved no longer to endure it. A

The French dimiſſed.

So the King diſmiſſed and ſent back into *France* the Queen's Retinue of *French* (firſt paying all that was due for Wages or Salleries) and gave the King of *France* an account of the action by the Lord *Carlton*, for the preſerving of the mutual Correſpondency and Brotherly Affection.

Ill reſented in *France.*

But this Dimiſſion was ill reſented in *France*, and the Audience denied to the Lord *Carlton*: and the matter was aggravated high at the French Court, as a great violation of the Articles of the Marriage. B

And thoſe perſons who returned into *France*, (being for the moſt part younger Brothers, and had parted with their Portions at home, in expectation of raiſing their Fortunes in the ſervice of the Queen of *England*) did heighten the diſcontent.

This jarring with *France*, breaks forth to a Publick War, and King *Charles* is at once engaged againſt two Great and Mighty Princes. C

Private Tranſactions to engage in a War againſt *France.*

It is not our purpoſe to relate the praticulars of thoſe private tranſactions which were in *England*, concerning the preparing of a Fleet and Army; nor how the ſame was managed at firſt by an Abbot, who had relation to the Duke of *Orleance*, and had been diſobliged by Cardinal *Richlieu*.

This Man was full of revenge againſt the Cardinal, and laboured much, and at laſt effected, the diſmiſſing of the French about the Queen; his chief end therein was to put an affront upon *Richlieu*, and withall, to heighten the differences between the two Crowns of *England* and *France*: to which pupoſe, he remonſtrated to the Duke of *Buckingham*, the Commotions and Diſcontents that were in *France*, and how hardly the Proteſtants there were treated, notwithſtanding the Edict of Peace procured by the Mediation of the King of *Great Britain*. D

This Abbot's Negotiation with the Duke, procured the ſending of *Devic* from the King of *England* to the Duke of *Rhoane*, who was drawn to engage to raiſe Four thouſand Foot, and two hundred Horſe, upon the landing of the Engliſh Army in *France*, but not before. E

This private tranſaction was alſo managed by Mr. *Walter Montague*, but in another capacity: The Duke of *Sobiez*, and Monſieur St. *Blanchard*, contributed their endeavours alſo to haſten the Fleet, and the raiſing of the Army in *England* againſt the French, for the reliefe of thoſe of the Reformed Religion there. F

The King of Great *Britains* Declaration concerning a War with *France.*

The King declared, as a ground of his War with *France*, That the Houſe of *Auſtria* (conſpiring the ruine of all thoſe of the Reformed Religion throughout Chriſtendom, as (he ſaid) plainly appeared in the affairs of *Germany*) had ſuch an influence upon the Council of *France*, as to prevail with them to obſtruct the landing of Count *Mansfield's* Army

2 *Caroli.*

Army, contrary to promiſe, with whom the French ſhould have joyned forces, for the relief of the *Palatinate*, and the *German* Princes; which failer of performance in them, proved the ruine of that Army, the greateſt part whereof periſhed, and was, by conſequence, the loſs of the whole Proteſtant Party in *Germany*.

His Majeſty further declared, That having by his Mediation prevailed for a Peace between the French King and his Proteſtant Subjects, and engaged his word, That the Proteſtants ſhould obſerve the Articles of Agreement: Nevertheleſs, the King of *France*, contrary to the ſaid Articles, blocked up their Towns, Garriſons, and Forts, and had committed many ſpoils upon them, when they had done nothing in violation of the Edict of Peace. And that the King of *France* had committed an example of great injuſtice in full Peace, to ſeiſe upon One hundred and twenty Engliſh Ships, with all their Merchandiſe and Artillery: For which Reaſons, the King was reſolved to ſend a powerfull Army and Navy, to require ſatisfaction.

The Duke of *Buckingham* was made Admiral of this Fleet, and Commander in Chief of the Land Forces, and had a Commiſſion to that purpoſe, wherein it is expreſſed,

The Duke of *Buckingham* Admiral and General.

His Commiſſion.

That his Majeſty hath taken into his Princely conſideration, the diſtreſſed eſtate of his dear Brother in law, and onely Siſter, the Prince and Princeſs Elector *Palatine*, and their Children; and finding himſelf in Nature and Honour nearly bound unto them, at their requeſt, and for their juſt relief, in recovering their rightful Patrimony taken from them, by the advice of his Privy-Council, did, the laſt year, prepare and ſet out to Sea a Royal Fleet for Sea-ſervice, for performance of ſuch ſervices, as on his Brother in Law's and Siſter's behalf, his Majeſty had deſigned. And for the doing of thoſe deſigns, and for the honour and ſafety of his people, his Majeſty had now prepared a new Fleet, which he intends with all convenient expedition to ſet out, to be imployed, as well by way of offence as defence, as ſhall be moſt behoveful for his ſaid Brother in law, his Service; and therefore doth, by the ſaid Commiſſion, appoint the Duke of *Buckingham* to be Admiral, Captain General, and Governour of his ſaid Royal Fleet, with ſuch Soldiers and Land Forces as ſhall be conveyed therein, for the accompliſhment of ſuch execution and employment as they ſhall be deſign'd unto, according to ſuch private Inſtructions as his Majeſty ſhall give unto the ſaid Duke. His Majeſty, by the ſaid Commiſſion, giving to the Duke power to lead and conduct the ſaid Navy and Army, and with them to fight againſt his ſaid Brother in Law and Siſter's Enemies, or the Enemies of the Crown of *England*, and to advance to the Order of Knighthood ſuch Perſons employed in the Fleet, Forces, and Supplies, as by their valour, deſert, and good ſervice in this Expedition, as ſhall be thought fit in his the ſaid Duke's diſcretion to merit the ſame, and as to the Office of Captain General doth appertain.

On the Seven and twentieth of *June*, the Duke ſet ſail from *Portſmouth* (in order to the relief of the *Palatinate*) with the Fleet, conſiſting of One hundred Sail of Ships, whereof Ten were of the King's Royal Navy, having aboard about Six or ſeven thouſand Land-Soldiers; and towards the latter end of *July* he appeared with his Fleet before *Rochel*, who once much longed for their coming, but now ſhut their Gates at their appearance.

The Duke ſets ſail with the Fleet and Army.

The *Rochellers* are fearful to admit the Engliſh.

Here-

An 1626.

Hereupon the Duke of *Sobiez* went aſhoar with Sir *William Beecher*, from the Duke of *Buckingham*, (Sir *William Beecher* being alſo accompanied with a Letter of Credence from his Majeſty of *Great Britain*) they were at laſt admitted into the Town; and the Magiſtrates called an Aſſembly, and there Sir *William Beecher* declared unto them, That the Duke of *Buckingham* was come with a great Fleet and Army to their aſſiſtance, which his Maſter had ſent, out of fellow-feeling of their ſufferings, and to require from the King of *France* a performance of the Articles of Peace, made by the King of *England*'s mediation, on the behalf of the Proteſtants in *France*. And further declared unto them, That if they do now refuſe to give their aſſiſtance, by joyning Forces with the Engliſh, he ſaid, he would, and did proteſt before God and Man, in the name of the King his Maſter, That his ſaid Maſter was fully acquit of his Engagement of Honour and Conſcience for their Relief.

Yet call an Aſſembly, and heard Sir *William Beechers* Meſſage.

A

But notwithſtanding this Declaration, and *Sobiez* his earneſt ſolicitation and endeavour, the Magiſtrates and wealthier ſort of People in the Town, (being poſſeſſed with the fear of the King of *France* his Army, then upon a March againſt them; and there being a Court-party alſo prevalent in the Town) could be drawn to give no other anſwer at that time, but this, That they did render all humble and hearty thanks to his Majeſty of *Great Britain* for the care he had of them; and to the Duke, for his forwardneſs and readineſs to do his beſt Service for their good: but ſaid, They were bound by Oath of Union to do nothing, but by the common and unanimous conſent of the reſt of the Proteſtant Party in *France*: And therefore prayed the King of *Great Britain* to excuſe them, in that they did ſuſpend the conjunction of Forces till they had ſent to the reſt of the Proteſtant Towns, who were of the Union with them: And in the mean time, their Prayers and Vows ſhould be for the happy progreſs of ſuch Actions, as the Fleet and Army ſhould undertake.

The *Rochellers* ſtill timerous.

B

C

Notwithſtanding this Anſwer, *Sobiez* had ſtrong aſſurance from a well-affected party in the Town, That they could and would be able to preſerve the ſame, for the encouragement of the Engliſh, and to aſſiſt them alſo with Supplies from thence.

A well-affected Party in *Rochel*.

D

When *Sobiez* went from the Fleet into *Rochel*, with Sir *William Beecher*, the Duke of *Buckingham* was pleaſed to communicate his deſign to *Sobiez*, by reaſon of his knowledge in the Countrey, as well as for his intereſt in that Kingdom, to raiſe Forces: that his full purpoſe and intention was, to land his Forces in the Iſle of *Oleron*, near unto *Rochel*, and not at the Iſle of *Rhee*, being a little further diſtant: Which *Sobiez* well approved of, as a thing feaſable at the firſt entrance, the Forces therein being few, and the Forts weakly manned and victualled, and beſides, it was of advantage for the Oyls, Wines, and other Commodities therein; whereas the Iſle of *Rhee* (as he ſaid to the Duke) was furniſhed with a conſiderable Force, both of Horſe and Foot, which would make the landing there very difficult; and beſides, they had a Cittadel well fortify'd to retreat unto.

The Duke communicates his deſign to *Sobiez*.

E

The Duke not ſtaying for *Sobiez* his return from *Rochel*, alters his reſolution, and directs his courſe to the Iſle of *Rhee*: *Toras*, the Governour thereof, (having before taken the alarm by the ſight of the Fleet at Sea) marches with his Forces to impede their landing, but maugre their oppoſition, and the Fort *La Prie*, Sir *John Boroughs*, Sir *Alexander Bret*, Sir *Charles Rich*, together with Monſieur St. *Branchard*, and other brave

The Duke lands his Army at the Iſle of *Rhee*.

F

3 *Caroli.*

brave Commanders land firſt at ſhore, and then about Tewelve hundred men, who were preſently encountred with the French Horſe and Foot, and a ſore Fight hapned thereupon; being a long time well maintained on both ſides, and many Commanders fell, both of the Engliſh and French, few of the Engliſh were unwounded. But at laſt the Engliſh forced their way, the Enemy was conſtrained to retreat, and to permit the whole Army to land.

A fore fight at the landing.

A In this Combat, Monſieur St. *Blanchard* was ſlain, whoſe loſs was much lamented by the Proteſtant Party in *France*; Sir *William Heyden*, and ſome hundred of the Engliſh were ſlain. The Foot which engaged on both ſides, were much equal in number, but in Horſe the French had a great advantage.

The Victory was not purſued by a ſpeedy March after *Toras*, who retreated to his Cittadel at St. *Martin*'s with his wounded men; for five days time was ſpent before the Army moved, whereby *Toras* got not

The Army ſtays five days after the fight.

B onely time to encourage his men to hold out, (being much diſcomfited at this fight) but to get in aſſiſtance of Men, and proviſion of Victuals, out of the Iſland into the Cittadel, which improved to get great advantage.

The Fort *la Prie*, near unto the landing place, and meanly Victualled and Manned, was all this while the Army ſtaid neglected, omitted, or contemned, as inconſiderable; the gaining whereof (as was ſaid) would have ſecured a retreat for the Engliſh, and

A Fort neglected to be taken in.

C impeded the landing of the French (during the Siege) of the Fort at St. *Martin*'s.

This landing of the Engliſh was a great aſtoniſhment in the Court of *France*; and if the taking of the Fort had immediately followed, there would have appeared a great change of Affairs; for the King fell ſick about the ſame time, and great diſcontent there was at Court; and the King ſent his Reſolution, to give the Proteſtants honourable terms, if they will not joyn with the Engliſh; ſent to the Duke of *Rhoan*

The Duke comes before the Fort at St. *Martin*'s.

D to content him with money, and other proffers; and renders the landing of the Engliſh, to other Proteſtant Towns, to be a thing not to be complied withal.

The Duke, in two days march, came with his Army before St. *Martin*'s and publiſhed a *Manifeſto*, juſtifying his Maſtar's taking of Arms againſt the King of *France*; declaring (amongſt other Reaſons) as one cauſe thereof, the French's employing of the Engliſh Ships againſt *Rochel*, contrary to promiſe; and lodgeth his Army at the Burgh of

The French aſtoniſhed at the landing of the Engliſh.

E St. *Martin*'s, at *Rhee*, which (upon the approach of the Duke) the Enemy quit, and retreated into the City, and quit a Well, which was about thirty paces from the Counterſcarp, which, being not at firſt coming of the Army, made totally unſerviceable to the Enemy, they preſently drew a Work unto it, and ſo ſecured the ſame for their uſe, by which they ſubſiſted, duing all the time of their Siege.

The Duke blocks up the Cittadel, draws his Forces round about it in

Blocks up the Cittadel.

F order to a cloſe Siege, and diſpoſes his Fleet ſo, as to hinder relief by Sea, and reſolves to take it by Famine, upon preſumption (and as the truth was) that they were not provided with Victuals in the Cittadel for a long Siege; and being Maſter at Sea, he might in a ſhort time be Maſter of the Cittadel.

But

An. 1626.

But whilſt the Duke employs his time in drawing a Line of Circumvallation, and raiſing of Bulworks and Batteries, let us ſee what they are doing in *England.*

Gentlemen ſecured and confined for refuſing to part with money upon the Loan.

Thoſe Gentlemen who ſtood committed, for not parting with moneys upon the Commiſſions for Loans, were appointed to ſeveral Confinements, not in their own, but foreign Counties.

Sir *Thomas Wentworth*, afterwards Earl of *Strafford*, and *George Ratcliff* [illegible], afterwards Sir *George*, *Yorkſhire* Gentlemen, were ſent for by Meſſengers, and removed out of the County of *York* into the County of *Kent*, and there ſecured by Confinement. A

Sir *Walter Earl*, and Sir *John Strangewayes*, who were *Dorſetſhire* men, were [illegible] in the County of *Bedford.*

Sir *Thomas Grantham*, and ſome others in the County of *Lincoln*, were removed and ſecured in the County of *Dorſet.*

Sir *John Hevingham*, and others, of the County of *Suffolk*, were ſecured in the County of *Somerſet.* B

Richard Knightly Eſq; and others of the County of *Northampton*, were ſecured in the County of *Southampton* and *Wiltſhire.*

Sir *Nathaniel Bernardiſton*, of the County of *Suffolk*, and *William Coriton* Eſq; of the County of *Cornwall*, were ſecured in the County of *Suſſex.*

Sir *Harbottle Grimſtone*, in the County of *Eſſex*, and Sir *Robert Points*, were ſecured in *Northamptonſhire.* C

John Hampden Eſq; and others, of the County of *Bucks*, were ſecured in *Hampſhire*; and the like courſe was taken with the Gentry of other Counties, who refuſed the Loan.

And the Council ordered, that all thoſe refractory perſons before named (for ſo they are called in the Order) who are appointed by his Majeſty's command to their ſeveral Commitments, ſhall preſently obey the Order of the Board ſent with their Meſſenger in that behalf, or be committed cloſe priſoners, any pretence of inability, want of conveniency, or any excuſe whatſoever notwithſtanding. D

Many of thoſe Gentlemen were afterwards ſent for by Pur[illegible]vants, out of thoſe Counties were they were confined by Order of the Council, and committed to ſeveral Priſons, ſome to the *Fleet*, ſome to the *Marſhalſey*, and *Gatehouſe*, and others remained in cuſtody of the Meſſengers: And from the *Gatehouſe* Sir *John Elliot* ſends this Petition to his Majeſty.

E

To F

3 *Caroli.*

To the King's moſt excellent Majeſty.

The humble Petition of Sir *John Elliot* Knight, Priſoner in the *Gate-houſe*, concerning the Loan,

Sheweth,

Sir *John Eliots* Petition to the King concerning the Loan.

That your poor Suppliant, affected with ſorrow and unhappineſs through the long ſence of your Majeſty's diſpleaſure, willing in every act of Duty and Obedience to ſatisfie your Majeſty of the loyalty of his heart, than which, he hath nothing more deſired, that there may not remain a jealouſie in your Royal Breaſt, that ſtubbornneſs and will have been the motives of his forbearing to condeſcend to the ſaid Loan, low at your Highneſs foot, with a ſad, yet a faithful heart, for an Apology to your Clemency and Grace, he now preſumes to offer up the Reaſons that induced him, which he conceiveth neceſſity of his Duty to Religion, Juſtice, and your Majeſty, did inforce.

The Rule of Juſtice he takes to be the Law, impartial Arbiter of Government and Obedience, the ſupport and ſtrength of Majeſty, the obſervation of that Juſtice by which Subjection is commanded. This and Religion (added to this Power not to be reſiſted) binds up the Conſcience in an Obligation to that Rule, which (without open prejudice, and violence of theſe Duties) may not be impeached.

In this particular therefore of the Loan, being deſirous to be ſatisfied how far the Obligation might extend, and reſolving where he was left Maſter of his own, to become Servant to your Will, he had recourſe unto the Laws, to be informed by them; which, in all humility, he ſubmitteth to your moſt Sacred view, in the Collections following.

In the time of Edward the Firſt, he finding that the Commons of that Age were ſo tender of their Liberties, as they feared even their own free Acts and Gifts might turn them to a Bondage and their Heirs. Wherefore it was deſired and granted,

That for no buſineſs, ſuch manner of Aids, Taxes, nor Prizes, ſhould be taken, but by common aſſent of the Realm, and for the common profit thereof.

The like was in force by the ſame King, and by two other Laws again Enacted,

That no Tallage or Aid ſhould be taken or levied, without the good will and aſſent of the Archbiſhops, Biſhops, Earls, Barons, Knights, Burgeſſes, and other Freemen of the Land.

And that prudent and magnanimous Prince, Edward the Third, led by the ſame wiſdom, having granted,

That the greateſt gift given in Parliament, for the Aid and ſpeed of his matchleſs undertaking againſt *France*, ſhould not be had in example, nor fall to the prejudice of the Subject in time to come; did likewiſe add, in Confirmation of that Right, That they ſhould not from thenceforth be grieved to ſuſtain any Charge or Aid, but by the Common Aſſent, and that in Parliament.

And more particularly upon this point, upon a Petition of the Commons afterwards in Parliament, it was eſtabliſhed,

An. 1627. That the Loans which were granted to the King by divers persons be releaſed, and that none henceforth be compelled to make ſuch Loans againſt their Wills, becauſe it is againſt Reaſon, and the Franchiſes of the Land, and Reſtitution be made to ſuch as made ſuch Loans.

And by another Act upon a new occaſion, in the time of Richard the Third, it was ordained,

That the Subject in no wiſe be charged with any ſuch Charge, Exaction, or Impoſition called a Benevolence, nor ſuch like Charge; and that ſuch like Exactions be damned and annulled for ever.

Such were the opinions of theſe times, for all their Aids, Benevolences, Loans, and ſuch like Charges, exacted from the Subject not in Parliament, which they held to be Grievances contrary to their Liberties, and illegal; and ſo pious were their Princes in Confirmation of their Liberties, as having ſecured them for the preſent by ſuch frequent Laws and Statutes, they did likewiſe by them provide for their Poſterity; and in ſome ſo ſtrictly, that they bound the Obſervation with a Curſe, as in that of 33 Edw. 1. As alſo under pain of Excommunication; as by the other of the Five and twentieth of the ſame King, which was to be denounced againſt all thoſe that violate or break them: which Act extends to us.

And theſe Reaſons he preſents to your Majeſty, as the firſt Motive taken from the Law.

There are others alſo, which in his humble apprehenſion he conceived from the Action it ſelf, which he likewiſe tenders to your moſt excellent Wiſdom.

First, That the Carriage and Inſtructions, accompanied with the Authority of the Great Seal, imported a Conſtraint, ſuch Requeſts to Subjects being tacite and implied Commands, and ſo preventing that readineſs and love, which, in a free way, would have far exceeded thoſe demands; whereas the wonted Aids given to your happy Anceſtors were Ex ſpontanea voluntate, & charitate populi, whereby they made that conjunction of their hearts at home, which wrought ſuch power and reputations to their Acts abroad.

Whereas the firmeſt Obligation of that readineſs and love, is the benignity of Princes, giving and preſerving to their People juſt and decent Liberties, which, to this Kingdom, are derived from the Clemency and Wiſdom of your Progenitors, to whom there is owing a Sacred Memory for them: he could not, as he feared, without preſſure to theſe immunities, become an Actor in this Loan, which by impriſonment and reſtraint was urged, contrary to the Grants of the Great Charter, by ſo many glorious and victorious Kings ſo many times confirmed, being therein moſt confident of your Majeſty, that never King that Reigned over us, had, of his own benignity and goodneſs, a more pious diſpoſition to preſerve the juſt Liberties of his Subjects, than your Sacred Self.

Though we were well aſſured by your Majeſty's Royal Promiſe, whoſe words he holds as Oracles of Truth, that it ſhould not become a preſident, during the happineſs of your Reign (the long continuances whereof, is the daily ſubject of his Prayers) yet he conceived from thence a fear, that ſucceeding Ages might thereby take occaſion for Poſterity to ſtrike at the propriety of their Goods, contrary to the piety and intention of your Majeſty ſo graciouſly expreſt.

And

3 *Caroli.*

And theſe being the true grounds and motives of his forbearance to the ſaid Loan, ſhewing ſuch inconveniencies in Reaſon, and repreſenting it an Act contradicting ſo many of your Laws, and moſt of them by the moſt prudent and happieſt of our Princes granted, which could not, without preſumption beyond pardon in your Suppliant, in taking to himſelf the Diſpenſation of thoſe Laws, ſo pioully Enacted by him, be violated or impeached,

A In the fulneſs of all Submiſſion and Obedience, as the Apology of his Loyalty and Duty, he lowly offers to your moſt Sacred Wiſdom, for the ſatisfaction of your Majeſty, moſt humbly praying your Majeſty will be graciouſly pleaſed to take them into your Princely conſideration, where when it ſhall appear (as he doubts not, but from hence it will to your deep judgment) that no factious humour, nor diſaffection led on by ſtubbornneſs and will, hath herein ſtirred or moved him, but the juſt Obligation of his Conſcience, which binds him to

B the ſervice of your Majeſty, in the obſervance of your Laws; he is hopeful (preſuming upon the Piety and Juſtice of your Majeſty) that your Majeſty, according to your innate Clemency and Goodneſs, will be pleaſed to beſtow him to your favour, and his Liberty, and to afford him the benefit of thoſe Laws, which in all humility, he craves.

Notwithſtanding the ſaid Petition, he ſtill continued a Priſoner in

C the *Gatehouſe*, till the general Order of Diſcharge came.

Sir *Peter Hayman* refuſing to part with Loan-money, was called before the Lords of the Council, who charged him with refractorineſs, and with an unwillingneſs to ſerve the King; and told him, if he did not pay, he ſhould be put upon ſervice. Accordingly they commanded him to go into his Majeſties ſervice into the *Palatinate*: And having firſt ſetled his Eſtate, he undertook and performed the Journey, and afterwards returned into *England*.

D Archbiſhop *Abbot* havingbeen long ſlighted at Court, now fell under the King's high diſpleaſure, for refuſing to Licence Doctor *Sibthorp*'s Sermon, as he was commanded, entituled, *Apoſtolical Obedience*; and not long after he was ſequeſtred from his Office, and a Commiſſion was granted to the Biſhops of *London*, *Durham*, *Rocheſter*, *Oxford*, and Doctor *Laud*, Biſhop of *Bath* and *Wells*, to execute Archiepiſcopal Juriſdiction. The Commiſſion as followeth.

Archbiſhop *Abbot* in diſfavour.

E *CHARLES*, by the Grace of God, King of *England*, *Scotland*, *France* and *Ireland*, Defender of the Faith, *&c.* To the Right Reverend Father in God, *George*, Biſhop of *London*; and to the Right Reverend Father in God, Our Truſty and Well-beloved Counſellor, *Richard*, Lord Biſhop of *Durham*; and to the Right Reverend Father in God, *John*, Lord Biſhop of *Rocheſter*; and *John*, Lord Biſhop of *Oxford*; to the Right Reverend Father in God, Our Right Truſty and Well-beloved Counſellor, *William*,

F Lord Biſhop of *Bath* and *Wells*, Greeting.

The Commiſſion to ſequeſter Archbiſhop *Abbot* from all his Eccleſiaſtical Offices.

Whereas George, now Archbiſhop of Canterbury, in the right of the Archbiſhopzick, hath ſeveral and diſtinct Archiepiſcopal, Epiſcopal, and other Spiritual and Eccleſiaſtical Powers and Juriſdictions, to be exerciſed in the Government and

An. 1627. Diſcipline of the Church within the Province of Canterbury, and in the Adminiſtration of Juſtice in Cauſes Eccleſiaſtical within that Province, which are partly executed by himſelf in his own Perſon, and partly, and more generally, by ſeveral perſons nominated and authoriſed by him, being learned in the Eccleſiaſtical Laws of this Realm, in thoſe ſeveral Places whereunto they are deputed and appointed by the ſaid Archbiſhop: Which ſeveral Places, as we are informed, they ſeverally hold by ſeveral Grants for their ſeveral Lives; A
as namely, Sir Henry Martin Knight, hath and holdeth by the Grants of the ſaid Archbiſhop, the Offices and Places of the Dean of the Arches, and Judge, or Maſter of the Prerogative Court, for the natural Life of the ſaid Sir Henry Martin.

Sir Charles Cæſar Knight, hath and holdeth by Grants of the ſaid Archbiſhop, the Places or Offices of the Judge of the Audience, and Maſter of the Faculties, for the term of the natural Life of the ſaid Sir Charles Cæſar. B

Sir Thomas Ridley Knight, hath and holdeth by the Grant of the ſaid Archbiſhop, the Place or Office of Vicar-General to the ſaid Archbiſhop.

And Nathaniel Brent, Doctor of the Laws, hath and holdeth by Grant of the ſaid Archbiſhop, the Office or Place of Commiſſary to the ſaid Archbiſhop, as of his proper and peculiar Dioceſs of Canterbury.

And likewiſe the ſeveral Regiſters of the Arches, Prerogative, Audience, Faculties, and of the Vicar General, and the Commiſſary of Canterbury, hold their Places by Grants from the ſaid Archbiſhop reſpectively. C

Whereas the ſaid Archbiſhop, in ſome or all of theſe ſeveral Places and Juriſdictions, doth or may ſometimes aſſume unto his perſonal and proper Judicature, Order, or Direction, ſome particular Cauſes, Actions, or Caſes at his pleaſure. And foraſmuch as the ſaid Archbiſhop cannot at this preſent, in his own perſon, attend the Services which are otherwiſe proper for his Cogniſance and Juriſdiction, and D
which, as Archbiſhop of Canterbury, he might and ought in his own perſon to have performed and executed in Cauſes and Matters Eccleſiaſtical, in the proper Function of Archbiſhop of that Province: We therefore, of our Regal Power, and of our Princely Care and Providence, that nothing ſhall be defective in the Order, Diſcipline, Government, or Right of the Church, have thought fit by the Service of ſome other Learned and Reverend Biſhops, to be named by Us, E
to ſupply thoſe things which the ſaid Archbiſhop ought or might in the Caſes aforeſaid to have done, but for this preſent cannot perform the ſame.

Know you therefore, That we repoſing ſpecial truſt and confidence in your approved Wiſdoms, Learning, and Integrity, have nominated, authoriſed, and appointed, and do, by theſe preſents, nominate, authoriſe, and appoint you the ſaid George, Lord Biſhop of London; Richard, Lord Biſhop of Durham; John Lord Biſhop of Rocheſter; John, Lord Biſhop of Oxford; and William, Lord Biſhop of Bath and Wells, or any four, three, or two of you, to do, execute, F.
and perform all and every thoſe Acts, Matters, and Things, any way touching or concerning the Power, Juriſdiction, or Authority of

the

3 *Caroli.*

the Archbiſhop of Canterbury, in Cauſes or Matters Eccleſiaſtical, as amply, fully, and effectually, to all intents and purpoſes, as the ſaid Archbiſhop himſelf might have done.

And we do hereby command you, and every of you, to attend, perform, and execute this Our Royal Pleaſure, in, and touching the premiſſes, until we ſhall declare our Will and Pleaſure to the contrary.

A And we do further hereby will and command the ſaid Archbiſhop of Canterbury, quietly, and without interruption, to permit and ſuffer you the ſaid George, Biſhop of London; Richard, Biſhop of Durham; John, Biſhop of Rocheſter; John, Biſhop of Oxford; and William, Biſhop of Bath and Wells, any four, three, or two of you, to execute and perform this our Commiſſion, according to our Royal Pleaſure thereby ſignified.

B And we do further will and command all and every other perſon and perſons, whom it may any way concern, in their ſeveral Places or Offices, to be attendant, obſervant, and obedient to you, and every of you, in the execution and performance of this our Royal Will and Command, as they and every of them will anſwer the contrary at his utmoſt perils.

C Nevertheleſs we do hereby declare our Royal Pleaſure to be, That they the ſaid Sir Henry Martin, Sir Charles Cæſar, Sir Thomas Ridley, and Nathaniel Brent, in their ſeveral Offices and Places aforeſaid, and all other Regiſters, Officers, and Miniſters, in the ſeveral Courts, Offices and Juriſdictions, appertaining to the ſaid Archbiſhop, ſhall quietly, and without interruption, hold, uſe, occupy, and enjoy their ſaid Offices and Places, which they now hold by the Grant of the ſaid Archbiſhop, or any other former Archbiſhop of Canterbury, in ſuch manner and form, and with theſe Benefits,

D Privileges, Powers, and Authorities, which they now have, hold, and enjoy therein, or thereout ſeverally and reſpectively, they, and every of them, in their ſeveral places, being attendant and obedient unto you the ſaid George, Biſhop of London; Richard, Biſhop of Durham; John, Biſhop of Rocheſter; John, Biſhop of Oxford; and William, Biſhop of Bath and Wells, or to any four, three, or two of you, in all things according to the Tenor of this our Commiſſion, as they ſhould or ought to have been to the ſaid Archbiſhop himſelf, if this Commiſſion had not been had or made.

E In witneſs whereof, We have cauſed theſe our Letters to be made Patent. Witneſs our Self at Weſtminſter, the Ninth day of October, in the Third year of our Reign.

Per ipſum Regem.

Edmonds.

F

For a Memorial of theſe Proceedings, the Archbiſhop left to Poſterity this following Narrative, penned with his own hand.

Archbi-

An. 1627.

Archbiſhop *ABBOT* his NARRATIVE.

Pars Prima.

The Archbiſhops Narrative concerning his diſgrace at Court.

IT is an Example, ſo without Example, that in the Sunſhine of the Goſpel, in the midſt of profeſſion of the true Religion, under a Gracious King, whom all the world muſt acknowledge to be blemiſhed with no Vice; a man of my Place and Years, who have done ſome ſervice in the Church and Common-wealth, ſo deeply laden with ſome furious infirmities of Body, ſhould be removed from his ordinary Habitation, and by a kind of deportation ſhould be thruſt into one end of the Iſland (although, I muſt confeſs, into his own Dioceſs) that I hold it fit, that the reaſon of it ſhould be truly underſtood, leſt it may ſomeways turn to the ſcandal of my Perſon and Calling.

Which Declaration notwithſtanding, I intend not co communicate to any, but to let it lie by me privately, that it being ſet down impartially, whilſt all things are freſh in memory, I may have recourſe to it hereafter, if queſtions ſhall be made of any thing contained in this Relation.

His Age when it befell him.

And this I hold neceſſary to be done, by reaſon of the ſtrangeneſs of that, which by way of Cenſure was inflicted upon me, being then of the age of Sixty five years, incumber'd with the Gout, and afflicted with the Stone, having lived ſo many years in a place of great Service, and, for ought I know, untainted in any of my Acti[illegible] although my Maſter King *James*, who reſteth with God, had both a ſearching Wit of his own, to diſcover his Servants whom he put in truſt, whether they took any ſiniſter courſes, or no; and wanted not ſome ſuggeſtors about him to make the worſt of all mens actions whom they could miſreport. Yet this Innocency and good Fame to be over-turned in a month, and a Chriſtian Biſhop ſuddenly to be made *Fabula Vulgi*, to be toſſed upon the Tongues of Friends and Foes, of Proteſtants and Papiſts, of Court and Countrey, of Engliſh and Foreigners, muſt needs in common opinion, preſuppoſe ſome Crime, open or ſecret: Which being diſcovered by the King, albeit not fully appearing to the World, muſt draw on indignation in ſo high a meaſure.

His indiſpoſition kept him from Court.

I canot deny, that the indiſpoſition of my Body kept me from Court, and thereby gave occaſion to Maligners to traduce me, as withdrawing my ſelf from publick ſervices, and therefore miſliking ſome courſes that were taken; which abſtaining perhaps neither pleaſed the King, nor the Great Man that ſet them on foot.

It is true, that in the turbulency of ſome things, I had no great invitements to draw me abroad, but to poſſeſs my Soul in patience, till God ſent fairer weather: But the true ground of my abſtaining from ſolemn and publick places, was the weakneſs of my Feet, proceeding from the Gout; which diſeaſe being hereditary unto me, and having poſſeſſed me now nine years, had deliberated me more and more: So that I could not ſtand at all, neither could I go up or down a pair of Stairs, but beſides my Staff, I muſt have the ſervice of one, at leaſt, of my Men, which was not fit to be admitted in every place where I was to come.

And

3 *Caroli.*

And although I was oft remembred, by the wiſeſt of my Friends, that I might be carried as the old Lord Treaſurer *Burleigh* was, yet I did not think my ſervice ſo neceſſary for the Common-wealth, as his Lordſhips, by long experience, was found to be. I did not value my ſelf at ſo high a rate, but remembred, that it was not the leaſt cauſe of overthrow to *Robert* Earl of *Eſſex*, that he prized himſelf ſo, as if Queen *Elizabeth* and the Kingdom could not well have ſtood, if he had not ſupported both the one and the other.

A Now for me, thus enfeebled, not with the Gout only, but with the Stone alſo, and Gravel, to wait on the King, or the Council-Table, was by me held a matter moſt inconvenient. In the Courts of Princes, there is little feeling of the infirmities belonging to old age, they like them that be young and gallant in their actions, and in their cloaths, they love not that men ſhould ſtick too long in any room of Greatneſs, Change and alteration bringing ſomewhat with it. What have they to do with Ker-
B chieves and Staves, with lame or ſick men? It is certainly true, there is little compaſſion upon the bodily defects of any. The Scripture ſpeaketh of men ſtanding before Kings, it were an uncouth ſight to ſee the Subject ſit the day before the Coronation, when on the morrow I had work enough for the ſtrongeſt man in *England*, being weak in my feet, and coming in to *Whitehall* to ſee things in a readineſs againſt the next day; yet notwithſtanding the Stone and Gout, I was not altogether an in-
C utile Servant in the Kings affairs, but did all things in my houſe that were to be done, as in keeping the High-Commiſſion Court, doing all inferiour actions inducing thereunto, and diſpatching References from his Majeſty that came thick upon me.

Theſe Relations which are made concerning me, be of certain truth, but reach not to the reaſon whereof I was diſcarded.

To underſtand therefore the verity, ſo it is, That the Duke of *Buckingham* being ſtill great in the favour of the King, could endure no
D man that would dot depend upon him; among other men, had me in his eye, for not ſtooping unto him ſo as to become his Vaſſal. I that had learned a Leſſon, which I conſtantly hold, to be no man's ſervant but the King's (for mine own Royal Maſter, which is with God, and mine own reaſon, did teach me ſo) went on mine own ways, although I could not but obſerve, That ſo many as walked in that path, did ſuffer for it upon all occaſions, and ſo did I, nothing wherein I moved my Maſter taking place: Which finding ſo clearly, as if the Duke had ſet
E ſome ill character upon me, I had no way but to reſt in patience, leaving all to God, and looking to my ſelf as warily as I might. But this did not ſerve the turn, his undertaking was ſo extraordinary, that every one that was not with him, was preſently againſt him; and if a hard opinion were once entertained, there was no place left for ſatisfaction or reconciliation.

The Duke offended with the Archbiſhop for not ſtooping to him.

What befell the Earl of *Arundel*, and Sir *Randal Crew*, and divers
F others, I need not to report; and no man can make doubt but he blew the Coals.

For my ſelf, there is a Gentleman called Sir *H. S.* who gave the firſt light what ſhould be fall me: This Knight being of more livelihood than wiſdom, had married the Lady *D.* Sifter to the now Earl of *E.* and had ſo treated her, that both for ſafeguard of her Honour, blemiſhed by him ſcandalouſly, and for her Alimony or maintenance (being glad to get from him) ſhe was forced to endure a Suit in the High Commiſſion

The Archbiſhop is foretold of the Dukes diſpleaſure.

An. 1626.

miſſion Court: So to ſtrengthen his party, he was made known to the Duke, and by means of a dependant on his Grace, he got a Letter from the King, That the Commiſſioners ſhould proceed no further in hearing of that Cauſe, by reaſon that it being a difference between a Gentleman and his Wife, the Kings Majeſty would hear it himſelf. The Sollicitor for the Lady, finding that the courſe of Juſtice was ſtopped, did ſo earneſtly, by Petition, move the King, that by another Letter, there was a relaxation of the former reſtraint, and the Commiſſioners Eccleſiaſtical went on: But now, in the new proceeding, finding himſelf by Juſtice like enough to be pinched, he did publickly in the Court refuſe to ſpeak by any Counſel, but would plead his Cauſe himſelf; wherein he did bear the whole buſineſs ſo diſorderly, tumultuouſly, and unreſpectfully, that after divers reproofs, I was inforced for the Honour of the Court, and Reputation of the High Commiſſion, to tell him openly, That if he did not carry himſelf in a better faſhion, I would commit him to priſon. A B

This ſo troubled the young Gallant, that within few days after, being at Dinner, or Supper, where ſome wiſhed me well, he bolted it out, That as for the Archbiſhop, the Duke had a purpoſe to turn him out of his place, and that he did but wait the occaſion to effect it. Which being brought unto me conſtantly, by more ways than one, I was now in expectation what muſt be the iſſue of this great mans indignation, which fell out to be as followeth, C

Sibthorps Sermon for Loan-money.

There was one *Sibthorpe*, who not being ſo much as a Batchelor of Arts, as it hath been credibly reported unto me, by means of Doctor *Pierce*, Dean of *Peterborough*, being Vice-Chancellor of *Oxford*, did get to be conferred upon him the Title of Doctor.

This man is Vicar of *Brackley* in *Northamptonſhire*, and hath another Benefice not far from it in *Buckinghamſhire*. But the luſtre of his Honour did ariſe from the being the Son in Law of Sir *John Lamb*, Chancellor of *Peterborough*, whoſe Daughter he married, and was put into the Commiſſion of Peace. D

When the Lent Aſſizes were in *February* laſt at *Northampton*, the man that preached before the Judges there, was this worthy Doctor; where magnifying the Authority of Kings, (which is ſo ſtrong in the Scripture, that it needs no flattery any ways to extol it) he let fall divers Speeches which were diſtaſteful to the Auditors; and namely, That they had power to put Poll-money upon their Subjects heads, when againſt thoſe Challenges men did frequently mourn. E

The Dukes deſign in having this Sermon ſent to the Archbiſhop to Licence it.

He being a man of a low Fortune, conceived, that putting his Sermon in Print, he might gain favour at Court, and raiſe his Fortune higher, on he goeth with the Tranſcribing of his Sermon, and got a Biſhop or two to prefer this great Service to the Duke; and it being brought unto the Duke, it cometh in his head, or was ſuggeſted unto him by ſome malicious Body, that thereby the Archbiſhop might be put to ſome remarkable ſtrait. For if the King ſhould ſend the Sermon unto him, and command him to allow it to the Preſs, one of theſe two things would follow, that either he ſhould authorize it, and ſo all men that were indifferent, ſhould diſcover him for a baſe and unworthy Beaſt; or he ſhould refuſe it, and ſo ſhould fall into the Kings indignation, who might purſue it at his pleaſure, as againſt a man that was contrary to his ſervice. F

Out

3. *Caroli.*

Out of this Fountain flowed all the Water that afterwards ſo wet: in rehearſing whereof, I muſt ſet down divers particulars, which ſome men may wonder how they ſhould be diſcovered unto me. But let it ſuffice once for all, that in the word of an honeſt man, and of a Biſhop, I recount nothing, but whereof I have good warrant, God himſelf working means.

Mr. *Murrey* ſent from the King with the Sermon to the Archbiſhop to have it licenſed by himſelf.

A The matters were revealed unto me, although it be not convenient, that in this Paper I name the manner how they came unto me, leſt ſuch as did by well doing further me, ſhould receive blame for their labour. Well! reſolved it is, that I muſt be put to it, and that with ſpeed; and therefore Mr. *William Murrey*, Nephew (as I think) unto Mr. *Thomas Murrey*, ſometimes Tutor unto Prince *Charles*, and the young man now of the King's Bed-chamber, is ſent unto me with the written Sermon; of whom I muſt ſay, That albeit he did the King his Maſters buſineſs, yet he did uſe himſelf civilly and temperately unto me. For, avoiding

B of *inquit* and *inquam* (as *Tully* ſaith) *I ſaid this, and he ſaid that*, I will make it by way of Dialogue, not ſetting down every days conference exactly by it ſelf, but mentioning all things of importance in the whole, yet diſtinguiſhing of times, where, for the truth of the Relation, it cannot be avoided.

The diſcourſe by way of Dialogue, between the Archbiſhop and Mr. *Murrey* on that occaſion.

Murrey. My Lord, I am ſent unto you by the King, to let you know, that his pleaſure is, That whereas there is brought unto him a Sermon

C to be printed, you ſhould allow this Sermon to the Preſs.

Archb. I was never he that authoriſed Books to be Printed; for it is the work of my Chaplains to read over other Men's Writings, and what is fit, to let it go; and what is unfit to expunge it.

Murrey. But the King will have you your ſelf to do this, becauſe he is minded, that no Books ſhall be allowed, but by you and the Biſhop of *London:* And my Lord of *London* authoriſed one the other day (*Couſens* his Book) and he will have you do this.

D *Archb.* This is an occupation that my old Maſter King *James* did never put me to, and yet I was then young, and had more abilities of body than now I have; ſo that I ſee I muſt now learn a new leſſon: but leave it with me, and when I have read it, I ſhall know what to ſay unto it; a day or two hence you ſhall underſtand my mind. When I had once or twice peruſed it, I found ſome words which ſeemed unto me to croſs that which the King intended, and in a ſort to deſtroy it; and therefore upon his return, a day or two after, I expreſs'd my

E ſelf thus.

Mr. *Murrey*, I conceive, that the King intendeth, that this Sermon ſhall promote the ſervice now in hand about the *Loan of Money*, but in my opinion it much croſſeth it; for he layeth it down for a rule, and becauſe it ſhall not be forgotten, he repeateth it again,

The Archbiſhop's Reaſons why he could not licenſe it.

That Chriſtians are bound in duty one to another, eſpecially all Subjects to their Princes, according to the Laws and Cuſtoms of the Kingdom, wherein they live.

F Out of this will men except this *Loan*, becauſe that there is neither Law nor Cuſtom for it in the Kingdom of *England*.

Secondly, In my judgment, there followeth a dangerous Speech, *Habemus neceſſitatem vindicandæ libertatis*. For this was all that was then quoted out of *Calvin*, no mention being made of any the other words which are now in the printed Copy: For when by the former Rule he

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hath ſet men at liberty, whether they will pay or no, he impoſeth upon them a neceſſity to vindicate this liberty, and *Vindicare* may be extended to challenge with violence *cum vi*. But for my part, I would be moſt unwilling to give occaſion to Sedition and Mutiny in the Kingdom.

Again, here is mention made of Poll-money, which, as I have heard, hath already cauſed much diſtaſte where the Sermon was preached.

Moreover, what a ſpeech is this, *That he obſerves the forwardneſs of the Papiſts to offer double*, according to an Act of Parliament ſo providing, yea, to profeſs, that they would part with the half of their Goods, where he quoteth in the Margen, *Anno* 1 *Caroli*; the Act for the Subſidy of the Laity, whereby Popiſh Recuſants were to pay double; when indeed there is no ſuch Act. A

And in the fifth place it is ſaid in this Sermon, That the Princes of *Bohemia* have power to depoſe their Kings, as not being Hereditary, which is a great queſtion. Such a one as hath coſt much blood, and muſt not in a word be abſolutely defined here, as if it were without controverſie. I pray you make his Majeſty acquainted with theſe things, and take the Book with you, (where it is to be noted, that all this time we had but one ſingle Copy, which was ſometime at the Court, and ſometime left with me.) B

Murrey. I will faithfully deliver theſe things to the King, and then you ſhall hear further from me.

His Majeſty returns anſwer by Mr. *Murrey* to thoſe reaſons of the Archbiſhop.

Some two or three days after he returned again unto me, and telleth me, That he had particularly acquainted the King with my Objections; and his Majeſty made this Anſwer: Firſt, for the Laws and Cuſtoms of the Kingdom, he did not ſtand upon that, he had a Preſident for that which he did, and thereon he would inſiſt. C

Archb. I think that to be a miſtaking, for I fear there will be found no ſuch Preſident. King *Henry* the Eighth, as the Chronicle ſheweth, deſired but the Sixth part of Mens Eſtates, Ten groats in the pound; our King deſireth the whole ſix parts full out, ſo much as men are ſet at in the Subſidy Book: And in the time of King *Henry*, although he were a powerful King, yet, for that Taxation, there began againſt him little leſs than a Rebellion; ſo that he held it wiſdom to deſiſt, and laying the blame upon Cardinal *Wolſey*, profeſſed, that he knew nothing of the matter. D

Murrey. Secondly, The King ſaith, for the words, *Habemus neceſſitatem vindicandæ libertatis*, he taketh them to be for him; and he will ſtand on his Liberty. E

Thirdly, For Poll-money, he thinketh it lawful.

Fourthly, It is true, there was no ſuch Act paſſed, and therefore it muſt be amended (and yet in the Printed Book it is ſuffered ſtill to ſtand. Such ſlight, and, I may ſay, ſlovenly care was had by them that publiſhed this Sermon.)

And fiftly, For that of *Bohemia*, he hath croſſed it out of the Book. F

Some other matters there were, againſt which I took exception, but Mr. *Murrey* being a young Gentleman, although witty, and full of good behaviour, I doubted, that being not deeply ſeen in Divinity, he could not ſo well conceive me, nor make report of my words to his Majeſty: And therefore I being lame, and ſo diſabled to wait on the King, did

move

move him, That he would, in my name, humbly beſeech his Majeſty to ſend the Biſhop of *Bath* and *Wells* unto me, and I would, by his means, make known my Scruples; and ſo I diſmiſſed Mr. *Murrey*, obſerving with my ſelf, that the Anſwers to my Five Objections, eſpecially to two or three, were ſomewhat ſtrange: As if the King were reſolved, were it to his good or to his harm, to have the Book go forth.

3. *Caroli.*

The Archbiſhop deſires Biſhop *Laud* may be ſent to him to treat of that Sermon.

A After one or two days more, the young Gentleman cometh to me again, and telleth me, That the King did not think it fit to ſend the Biſhop of *Bath* unto me; but he expected I ſhould paſs the Book. In the mean time, had gone over one High Commiſſion day, and this Biſhop, who uſed (otherwiſe) very few days to fail, was not there; which being joyned to his Majeſty's Meſſage, made me in ſome meaſure to ſmell that this whole buſineſs might have that Biſhop's hand in it, eſpecially I knowing in general the diſpoſition of the man.

B The minds of thoſe that were Actors for the publiſhing of the Book, were not quiet at the Court, that the thing was not diſpatched; and therefore one day the Duke ſaid to the King, Do you ſee how this buſineſs is deferred? If more expedition be not uſed, it will not be printed before the end of the Term; at which time it is fit that it be ſent down into the Countries.

So eager he was, that either by my credit his undertakings might be ſtrengthned, or, at leaſt, I might be contemned and derided as an unworthy fellow.

C This ſo quickned the King, that the next Meſſage which was ſent by Mr. *Murrey* was, in ſome degree, minatory, That if I did not diſpatch it, the King would take ſome other courſe with me.

When I found how far the Duke had prevailed, I thought it my beſt way to ſet down in writing many Objections, wherefore the Book was not fit to be publiſhed: which I did modeſtly, and ſent them to the King. The words were theſe, which I culled out of the written Sermon.

The Archbiſhop ſends his Objections to the Court in writing againſt the Sermon.

D

1. *Page* 2. Thoſe words deſerve to be well weighed, *And whereas the Prince pleads not the power of Prerogative.*

2. *Page* 8. *The King's duty is firſt to direct and make Laws.* There is no Law made till the King aſſent unto it; but if it be put ſimply to make Laws, it will make much ſtartling at it.

3. *Page* 10. *If nothing may excuſe from active obedience, but what is againſt the Law of God, or of Nature, or impoſſible.* How doth this agree E with the firſt Fundamental Poſition? *page* 5. *That all Subjects are bound to all their Princes according to the Laws and Cuſtoms of the Kingdom wherein they live.*

This is a Fourth Caſe of Exception.

4. *Page* 11. *The Poll-money*, mentioned by him in St. *Matthew*, was impoſed by the Emperor as a Conqueror over the *Jews*, and the execution of it in *England*, although it was by a Law, produced a terrible effect in King *Richard* the Second's time, when only it was uſed, for ought F that appeareth.

5. *Page* 12. It is in the bottom, view the Reign of *Henry* the Third, and whether it be fit to give ſuch allowance to the Book, being ſurreptitiouſly put out?

6. In the ſame Page, let the largeneſs of thoſe words be well conſidered, *Yea all Antiquity to be abſolutely for abſolute Obedience to Princes*

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in all Civil and Temporal things. For ſuch Caſes as *Naboth's* Vineyard may fall within this.

7. *Page* 14. *Sextus Quintus* was dead before the year One thouſand five hundred and eighty.

8. In the ſame Page, weigh it well, How this *Loan* may be call'd a *Tribute*; and when it is ſaid, *We are promiſed, it ſhall not be immoderately impoſed*: How that agreeth with his Majeſty's Commiſſion and Proclamation, which are quoted in the Margent? A

Biſhop *Laud* is employed to anſwer theſe Objections.

It ſhould ſeem, that this Paper did prick to the quick, and no ſatisfaction being thereby accepted, Biſhop *Laud* is called, and he muſt go to anſwer to it in writing: This man is the only inward Counſeller with *Buckingham*, ſitting with him ſometimes privately whole hours, and feeding his humour with malice and ſpight.

His life in *Oxford* was to pick quarrels in the Lectures of the Publick Readers, and to advertiſe them to the then Biſhop of *Durham*, that he might fill the ears of King *James* with diſcontents, againſt the honeſt men that took pains in their Places, and ſetled the truth (which he called *Puritaniſm*) in their Auditors. B

He made it his work to ſee what Books were in the Preſs, and to look over Epiſtles Dedicatory, and Prefaces to the Reader, to ſee what faults might be found.

It was an obſervation what a ſweet man this was like to be, that the firſt obſervable act that he did, was the marrying of the Earl of *D.* to the Lady *R.* when it was notorious to the world, that ſhe had another Husband, and the ſame a Nobleman, who had divers Children then living by her. C

King *James* was a long time offended with Biſhop *Laud*.

King *James* did for many years take this ſo ill, that he would never hear of any great preferment of him; inſomuch that the Biſhop of *Lincoln*, Doctor *Williams*, who taketh upon him to be the firſt promoter of him, hath many times ſaid, That when he made mention of *Laud* to the King, his Majeſty was ſo averſe from it, that he was conſtrained oftentimes to ſay, That he would never deſire to ſerve that Maſter, which could not remit one fault unto his Servant. Well, in the end he did conquer it, to get him to the Biſhoprick of St. *David's*; which he had not long enjoyed, but he began to undermine his Benefactor, as at this day it appeareth. The Counteſs of *Buckingham* told *Lincoln*, that St. *David's* was the man that undermined him with her Son: And verily, ſuch is his aſpiring nature, that he will underwork any man in the World, ſo that he may gain by it. D

He was advanced by Biſhop *Williams*.

This Man, who believeth ſo well of himſelf, framed an Anſwer to my Exceptions. But to give ſome countenance to it, he muſt call in three other Biſhops, that is to ſay, *Durham*, *Rocheſter*, and *Oxford*, tried men for ſuch a purpoſe; and the whole ſtyle of the Speech runneth, *We and We.* E

Biſhops of *Durham* and *Bath* ſworn of the Privy Council.

This ſeemed ſo ſtrong a confutation, that for reward of their Service, as well as for hope, that they would do more, Doctor *Neal*, Biſhop of *Durham*, and the Biſhop of *Bath*, were ſworn of the Privy Council.

The very day, being *Sunday*, Mr. *Murrey* was ſent unto me with a Writing; but finding me all in a Sweat by a fit of the Stone, which was then upon me, he forbore for that time to trouble me, and ſaid, That on the morrow he would repair to me again. I got me to bed, and lying all that night in pain, I held it not convenient to riſe the next day: F

And

3. *Caroli.*

Mr. *Murrey* brings the Anſwer to the Archbiſhop's Objections.

And on the *Monday*, Mr. *Murrey* came unto me, which was the Eighth time that he had been with me, ſo unceſſantly was I plied with this noble work.

I had ſhewed it before to a friend or two, whereof the one was a learned Doctor of Divinity, and the other had ſerved many times in Parliament with great commendation. We all agreed, That it was an idle work of a man that underſtood not Logick, that evidently croſſed himſelf, that ſometimes ſpake plauſibly, and in the end of his Sermon fell ſo poor and flat, that it was not worth the reading.

Mr. *Murrey* coming to my Bed-ſide, ſaid, That he was ſent again by the King, and had a Paper to be ſhewed unto me.

Archb. You ſee in what caſe I am, having ſlept little all this laſt night, but nevertheleſs ſince you come from the King, I will take my Spectacles and read it.

Murrey. No, my Lord, you may not read it, neither handle it; for I have charge not to ſuffer it to go out of my hands.

" *Archb.* How then ſhall I know what it is?

Murrey. Yes, I have order to read it unto you, but I may not part with it.

Archb. I muſt conceive, that if I do not aſſent to it, his Majeſty will give me leave to reply upon it; which I cannot do, but in my ſtudy, for there are my Books.

Murrey. I muſt go with you into your Study, and ſit by you till you have done.

Archb. It is not ſo haſty a work, it will require time, and I have not been uſed to ſtudy, one ſitting by me: but firſt read it, I pray you. The young Gentleman read it from one end to the other, being two or three ſheets of Paper.

Archb. This Anſwer is very bitter, but giveth me no ſatisfaction. I pray you leave the Writing with me, and I ſhall batter it to pieces.

Murrey. No my Lord, I am forbidden to leave it with you, or to ſuffer you to touch it.

The Archbiſhop is not ſuffered to ſee the Writings, but Mr. *Murrey* reads it.

Archb. How cometh this about? Are the Authors of it afraid of it, or aſhamed of it? I pray you tell his Majeſty, that I am dealt with neither Manly nor Scholar-like. Not Manly, becauſe I muſt fight with Adverſaries that I know not; nor Scholar-like, becauſe I muſt not ſee what it is that muſt confute me. It is now Eight and fourty years ago that I came to the Univerſity, and ſince that time I have ever loved a Learned man; I have diſputed and written divers Books, and know very well what appertaineth to the Schools. This is a new kind of Learning unto me, I have formerly found fault, that the Author of this Sermon quoteth not the places whereupon he grounds his Doctrine; and when I have oft called for them, it is replied unto me, That I muſt take them upon the credit of the Writer, which I dare not do; for I have ſearched but one place, which he quoted in general, but ſets down neither the Words, nor the Treatiſe, nor the Chapter, and I find nothing to the purpoſe for which it is quoted; and therefore I have reaſon to ſuſpect all the reſt. I pray you therefore, in the humbleſt manner, to commend my ſervice to the King my Maſter, and let him know, that unleſs I may have all the Quotations ſet down, that I may examine them, and may have that Writing, wherein I am ſo ill uſed, I cannot allow the Book.

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Before I go further, it ſhall not be amiſs to touch ſome particulars of that which I ſent in writing to the King.

The firſt was *page* 2. Thoſe words deſerve to be well weighed, *And whereas the Prince pleads not the power of Prerogative.*

To this Mr. *Murrey* ſaid, The King doth not plead it: But my reply was, By what then doth he coerce thoſe Refractories? For I have not heard of any Law whereby they are impriſoned, and therefore I muſt take it to be by the King's Prerogative. A

To the ſecond, *page* 8. *The King's duty is firſt to direct and make Laws.* There is no Law made till the King aſſent unto it; but if it be but ſimply to make Laws, it will cauſe much ſtartling at it.

To this I remember not any material thing anſwered, neither to the third.

Page 10. *If nothing may excuſe from active obedience, but what is againſt the Law of God, or of Nature, or impoſſible:* How doth this agree with the firſt fundamental Poſition? *Page* 5. *That all Subjects are bound to all their Princes, according to the Laws and Cuſtoms of the Kingdom wherein they live.* B

This is a fourth Caſe of Exception.

And here before I go to the reſt, the Doctor did truly hit upon a good point, in looking to the Laws and Cuſtoms, if he could have kept him to it; for in my memory, and in the remembrance of many Lords, and others that now live, Dr. *Harſenet*, the then Biſhop of *Chicheſter*, and now of *Norwich*, in Parliament time preached a Sermon at *Whitehall*, (which was afterwards burned) upon the Text, *Give unto Cæſar the things that be Cæſars.* Wherein he inſiſted, That Goods and Money were *Cæſars*, and therefore they were not to be denied unto him. C

At this time, when the whole Parliament took main offence thereat, King *James* was conſtrained to call the Lords and Commons into the Banqueting-houſe at *Whitehall*, and there his Majeſty calmed all, by ſaying, *The Biſhop only failed in this, when he ſaid, The Goods were Cæſars*; he did not add, They were his according to the Laws and Cuſtoms of the Country wherein they did live. D

So moderate was our *Cæſar* then, as I my ſelf ſaw, and heard, being then an Eye and Ear witneſs; for I was then Biſhop of *London*.

To the Fourth, the Poll-money, in St. *Matthew*, was impoſed by the Emperor, as a Conqueror over the *Jews*, and the execution of it in *England*, although it was by a Law, produced a terrible effect in King *Richard* the Second's time, when only it was uſed, for ought that appeareth. E

Here the Biſhop in the Paper excepted divers things, as, That ſometimes among us by Act of Parliament, Strangers are appointed to pay by the Poll, which agreeth not with the caſe; and that it was not well to bring Examples out of weak times, whereas we live in better; but that it was a marvellous fault, the blame was not laid upon the Rebels of that Age. F

Thoſe are ſuch poor things, that they are not worth the anſwering.

But my Objection in truth prevailed ſo far, that in the Printed Book it was qualifi'd thus: Poll-money, other perſons, and upon ſome occaſions; where *obiter* I may obſerve, That my refuſing to ſign the Sermon,

is

is not to be judged by the Printed Book, for many things are altered in one, which were in the other.

To the Fifth, *page* 12. it is in the bottom, view the Reign of *Henry* the Third, whether it be fit to give ſuch allowance to the Book, being ſurreptitiouſly put out.

To this it was ſaid, That being a good paſſage out of a blame-worthy Book, there was no harm in it.

A But before the Queſtion of *Sibthorp*'s Treatiſe, the Biſhop of *Bath* himſelf being with me, found much fault with that Treatiſe, as being put out for a ſcandalous Parallel of thoſe times.

To the ſixth in the ſame *Page*, Let the largeneſs of thoſe words be well conſidered, *Yea, all Antiquity to be abſolutely for abſolute Obedience to Princes, in all Civil or Temporal things:* For ſuch Caſes (as *Naboth*'s Vineyard) may fall within this.

Here the Biſhop was as a man in a rage, and ſaid, That it was an odi-
B ous compariſon; for it muſt ſuppoſe, that there muſt be an *Ahab*, and there muſt be a *Jezabel*, and I cannot tell what: but I am ſure my Exception ſtandeth true, and reviling and railing doth not ſatisfie my Argument, *All Antiquity* taketh the Scripture into it; and if I had allowed that proportion for good, I had been juſtly beaten with my own Rod.

If the King, the next day, had commanded me to ſend him all the Money and goods I had, I muſt, by my own Rule, have obeyed him; and if
C he had commanded the like to all the Clergy-men in *England*, by Dr. *Sibthorp*'s proportion, and my Lord of *Canterbury*'s allowing of the ſame, they muſt have ſent in all, and left their Wives and Children in a miſerable caſe. Yea, the words extend ſo far, and are ſo abſolutely delivered, that by this Divinity, if the King ſhould ſend to the City of *London*, and the Inhabitants thereof, commanding them to give unto him all the wealth which they have, they were bound to do it: I know our King is ſo gracious, that he will attempt no ſuch matter; but if he do it not, the defect is not in their flattering Divines, who, if they were called to queſtion
D for ſuch Doctrine, they would ſcarce be able to abide it. There is a *Meum* and a *Tuum* in Chriſtian Common-wealths, and according to Laws and Cuſtoms, Princes may diſpoſe of it, that ſaying being true, *Ad Reges poteſtas omnium pertinet, ad ſingulos proprietas.*

To the ſeventh, *Page* 14. *Pius Quintus* was dead before the year, One thouſand five hundred and eighty.

They make no Reply, but mend it in the Printed Book, changing it into *Gregory* the Thirteenth.

E To the laſt, in the ſame Page, weigh it well, How this Loan may be called a *Tribute*; and when it is ſaid, *We are promiſed ſhall not be immoderately impoſed.*

How that agreeth with his Majeſty's Commiſſion and Proclamation, which are quoted in the Margent, they make no Anſwer; but in the publiſhed Sermon, diſtinguiſheth a Tribute from a Loan or Aid, whereby they acknowledged it was not well before; and indeed it was improper and abſurd, worthy of none but Dr. *Sibthorp.*

F

I have now delivered the grounds whereupon I refuſed to authoriſe this Book, being ſorry at my heart, that the King, my gracious Maſter, ſhould reſt ſo great a building upon ſo weak a foundation, the Treatiſe being ſo ſlender, and without ſubſtance, but that it proceeded from a hungry man.

If

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If I had been in Council, when the Project for this Loan was firſt handled, I would have uſed my beſt Reaſons to have had it well grounded; but I was abſent, and knew not whereupon they proceeded, only I ſaw it was followed with much vehemency: And ſince it was put in execution, I did not interpoſe my ſelf to know the grounds of one, nor of the other.

It ſeemed therefore ſtrange unto me, that in the upſhot of the buſineſs, I was called in to make that good by Divinity, which others had done; and muſt have no other inducements to it, but Dr. *Sibthorp's* contemptible Treatiſe. I imagined this for the manner of the carriage of it, to be ſomewhat like unto the Earl of *Somerſet's* Caſe, who abuſed the Wife of the Earl of *Eſſex*, muſt have her divorced from her Husband, and muſt himſelf marry her: And this muſt not be done, but that the Archbiſhop of *Canterbury* muſt ratifie all judicially. I know the Caſes are different, but I only compare the manner of the carriage.

Sibthorp's Sermon licenſed by the Biſhop of *London.*

When the Approbation of the Sermon was by me refuſed, it was carried to the Biſhop of *London*, who gave a great and ſtately allowance of it; the good man being not willing that any thing ſhould ſtick which was ſent unto him from the Court, as appeareth by the Book, which is commonly called, *The Seven Sacraments*, which was allowed by his Lordſhip, with all the Errors; which ſince that time have been expunged, and taken out of it.

But before this paſſed the Biſhop's File, there is one accident which fitly cometh in to be recounted in this place. My Lord of *London* hath a Chaplain, Doctor *Worral* by name, who is Scholar good enough, but a kind of free Fellow-like man, and of no very tender Conſcience: Doctor *Sibthorp's* Sermon was brought unto him, and, *hand over head* (as the Proverb is) he approved it, and ſubſcribed his name unto it. But afterwards, being better adviſed, he ſent it to a learned Gentleman of the *Inner-Temple*, and writing ſome few lines unto him, craveth his opinion of that which he had done; the Gentleman read it: but although he had promiſed to return his judgment by Letter, yet he refuſed ſo to do, but deſired, that Doctor *Worral* would come himſelf; which being done, he ſpake to this purpoſe: What have you done? You have allowed a ſtrange Book yonder; which, if it be true, there is no *Meum* or *Tuum*, no man in *England* hath any thing of his own: If ever the Tide turn, and matters be called to a reckoning, you will be hanged for publiſhing ſuch a Book. To which the Doctor anſwered, Yea, but my hand is to it; what ſhall I do? For that, the other replied, you muſt ſcrape out your name, and do not ſo much as ſuffer the ſign of any letter to remain in the paper. Which accordingly he did, and withdrew his finger from the Pye.

Mr. *Selden.*

But what the Chaplain well adviſed would not do, his Lord, without ſticking, accompliſhed; and ſo being inſenſibly hatched, it came flying into the World: But in my opinion, the Book hath perſwaded very few underſtanding men, and hath not gained the King ſix-pence.

A B C D E F

3 *Caroli.*

Pars Secunda.

HItherto I have declared at length all paſſages concerning the Sermon, and, to my remembrance, I have not quitted any thing that
A was worthy the knowing. I am now in the ſecond place to ſhew what was the iſſue of this not allowing the worthy and learned Treatiſe. In the height of this Queſtion, I privately underſtood, from a Friend in the Court, that for a puniſhment upon me, it was reſolved, that I ſhould be ſent away to *Canterbury*, and confined there. I kept this ſilently, and expected God's pleaſure; yet laying it up ſtill in my mind, eſteeming the Duke to be of the number of them, touching whom *Tacitus* obſerveth, *That ſuch as are falſe in their love, are true in their hate.* But whatſo-

The Duke preſſeth his Majeſty to have the Archbiſhop ſent away before he ſet to Sea.

B ever the event muſt be, I made that uſe of the Report, that *Jacula præviſa minus feriunt.* The Duke, at the firſt, was earneſt with the King, that I muſt be preſently ſent away before his going to Sea: For, ſaith he, if I were gone, he would be every day at *Whitehall*, and at the Council Table, and there will croſs all things that I have intended. To meet with his Objection, I got me away to *Croyden* a moneth ſooner than in ordinary years I have uſed to do; but the Term was ended early, and my main fit of the Stone did call upon me to get me to the Country,
C that there on Horſe-back I might ride upon the Downs; which I afterwards performed, and, I thank God, found great uſe of it, in recovering of my ſtomach, which was almoſt utterly gone.

The Duke haſtned his preparations for the Fleet; but ſtill that cometh in for one *Memorandum*, That if he were once abſent, there ſhould no day paſs over, but that the Archbiſhop would be with the King, and infuſe things that would be contrary to his proceedings. What a miſerable and reſtleſs thing Ambition is, when one Talented, but as a com-
D mon perſon, yet by the favour of his Prince, hath gotten that intereſt, that, in a ſort, all the Keys of *England* hang at his Girdle, (which the wiſe Queen *Elizabeth* would never endure in any Subject) yet ſtandeth in his own heart in ſuch tickle terms, as that he feared every ſhadow, and thinketh, that the lending of the King's ear unto any grave and well-ſeaſoned Report, may blow him out of all; which, in his eſtimation, he thinketh is ſetled upon no good foundation, but the affection of the Prince, which may be mutable, as it is in all men more or leſs: If a
E man would wiſh harm unto his Enemy, could he wiſh him a greater torment, than to be wreſted and wringed with ambitious thoughts? Well, at firſt it went current, that with all haſte I muſt be doffed, but upon latter conſideration, it muſt be ſtaid till the Duke be at Sea, and then put in execution by the King himſelf, that, as it ſeemeth, *Buckingham* might be free from blame, if any ſhould be laid upon any perſon. Hence it was, that after his going, there was new proſecution of the *York-ſhire* men, and the refuſing *Londoners* were purſued more fervently than before;
F and it is very likely, that the Arrow came out of the ſame Quiver; that the Biſhop coming to the Election at *Weſtminſter*, was driven back ſo ſuddenly to *Bugden*. Take heed of theſe things, Noble Duke, you put your King to the worſt parts, whereof you may hear one day: So when your Sovereign in the Parliament time had ſpoken ſharply to both Houſes, commanding them to go together again, and

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to give more money, and commanding them to meddle no more with the Duke of *Buckingham*; you came the next day, and thought to ſmooth all, taking the glory of qualifying diſturbances to your ſelf; whereas if you had read Books of true State Government, wherewithall you are not acquainted, ſweet things are perſonally to be acted by Kings and Princes, as giving of Honours, and beſtowing of noted Benefits; and thoſe things that are ſour and diſtaſting, are to be performed by their Miniſters, you go the contrary way.

But as before the whole Houſe falleth on fire, ſome ſparks do flie out; ſo, before the Meſſage of the King was brought me by the Secretary, there were ſome inklings that ſuch a thing would follow. And upon the naming of me (by occaſion) it was ſaid by a Creature of the Duke's, That it would not be long, before the Archbiſhop ſhould be ſequeſtred (that was the word.) So well acquainted are the Duke's followers with great actions that are ready to fall out in State.

Accordingly on *Tueſday* the Fifth of *July*, One thouſand ſix hundred twenty and ſeven, the Lord *Conway* came unto me to *Croydon*, before Dinner time, having travelled, as he ſaid, a long journey that morning, even from *Oatlands* thither; he would ſay nothing till he had dined: then, becauſe he was to return to *Oatlands* that night, I took him into the Gallery, and when we were both ſat down, we fell to it in this manner.

MY *Lord*, I know you, coming from Court have ſomewhat to ſay to me.

Secretary. It is true, my Lord, and I am the moſt unwilling man in the world to bring unpleaſing news to any perſon of quality, to whom I wiſh well, and eſpecially to ſuch a one, as of whoſe Meat I have eaten, and been merry at his Houſe: But I come from the King, and muſt deliver his pleaſure; I know who you are, and much more, with very civil language.

Archb. I doubt not, my Lord, but you have ſomewhat to ſay; and therefore I pray you in plain terms let me have it.

The Archbiſhop commanded to withdraw.

Secret. It is then his Majeſty's pleaſure, that you ſhould withdraw your ſelf unto *Canterbury*; for which he will afford you ſome convenient time.

Archb. Is that it? Then I muſt uſe the words of the *Pſalmiſt*, *He ſhall not be afraid of any evil tidings, for his heart ſtandeth faſt, and believeth in the Lord.* But, I pray you, what is my fault that bringeth this upon me?

Secret. The King ſaith, you know.

Archb. Truly I know none, unleſs it be that I am lame, which I cannot help; it is againſt my will, I am not proud of it.

Secret. The King bad me tell you, that if any expoſtulation were uſed --------

Archb. No, I will not uſe any expoſtulation; if it be his pleaſure, I will obey. I know my ſelf to be an honeſt man, and therefore fear nothing. But, my Lord, do you think it is for the King's ſervice in this ſort to ſend me away?

Secret. No, by God! I do not think it, and ſo yeſterday I told the King with an Oath; but he will have it ſo.

Archb. I muſt ſay as before, *He ſhall not be afraid of any evil tidings, for his heart ſtandeth faſt, and he believeth in the Lord.* But I pray

3 *Caroli.*

pray you, my Lord, is the King preciſely ſet upon my going to *Canterbury?* There are queſtions in Law between me and that Town, about the Liberty of my Archbiſhoprick, which I, by my Oath, am bound to maintain; and if I ſhould be among them, I have many Adverſaries of the Citizens; I have there ſome Tenants, and the Dean and Chapter are intereſſed in the Queſtion; I would be unwilling that my Servants and their People ſhould fall together by the ears, while I am in the Town:

A His Majeſty knows this difference to be between us, by the token that a Suit which I lately brought againſt them, by a *Quo Warranto* in the King's Bench, was ſtopped, Juſtice being denied me, which is not uſual to be denied to any Subject; and the King well knoweth by whoſe means it was ſtayed. I have therefore another Houſe, called *Foord*, five miles beyond *Canterbury*, and more out of the way; his Majeſty may be pleaſed to let me go thither.

Secret. I can ſay nothing to that, but I will acquaint the King with

B it; and I conceive nothing to the contrary, but that his Majeſty will yield ſo much unto you. I have a ſecond charge to deliver unto you, and that is, That his Majeſty will not have you from henceforth to meddle with the High Commiſſion; he will take care that it ſhall be done otherwiſe.

Archb. I do not doubt but it ſhall be better managed, than it hath been by me: And yet, my Lord, I tell you, that for theſe many years that I have had the direction of that Court, the time is to come,

C that ever honeſt man did find fault, that he had not there Juſtice done.

Secret. It is now Vacation time, and ſo conſequently little to do; and by *Michaelmas* his Majeſty may ſet all in order.

Archb. I am ſorry that the King proceedeth thus with me, and letteth me not know the cauſe.

Secret. Although I have no Commiſſion to tell you ſo, it is for a Book which you would not allow, which concerned the King's

D Service.

Archb. If that be it, when I am queſtioned for it, I doubt not but to give an honeſt Anſwer.

Secret. You will never be queſtioned for it.

Archb. Then am I the more hardly dealt withal, to be cenſured, and not called to my Anſwer.

Secret. Well, my Lord, I will remember that of *Foord*; and will your Grace command me any more ſervice?

E *Archb.* No, my Lord, but God be with you; only I end where I began, with the words of the Prophet, *He ſhall not be afraid for any evil tidings, for his heart ſtandeth faſt, and believeth in the Lord.*

The Lord *Conway* tells the Archbiſhop the reaſon why he is commanded to retire.

It comforted me not a little, that the word was now out: My confining muſt be for not allowing of a Book! I had much ado to forbear ſmiling when I heard it, becauſe now it was clear, it was not for Felony

F or Treaſon that was laid to my charge, nor for intelligence with the *Spaniards* or *French*, nor for correſpondency with Jeſuits or Seminary Prieſts, or any other grievous crime, I thank God for that. I had almoſt forgotten, that among many other memorable Speeches that paſſed between us, I uſed this one, That peradventure the King might be offended at me, becauſe I was no more preſent at the matter of the

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Loan; but, ſaid I, my lameneſs hindered me therein, and I hoped thereby to do my Maſter better ſervice, becauſe if ever courſe be taken to reconcile the King and his People, (which if it be not, this Kingdom will rue it in the end) I would hope among many other, to be a good Inſtrument therein, ſince my hand hath not been in thoſe bitterneſſes which have of late faln out.

You ſay well, ſaith the *Secretary:* Would you that I ſhould tell the King ſo much? Yea, ſaid I, if you pleaſe; I hold it not unfit that his Majeſty ſhould know it. A

What he reported therein, I do not know; but matters proceeded in the former courſe, as if there were no regard had of any ſuch thing.

The Lord *Conway* being gone from me for two or three days, I expected to hear the reſolution, to what place in *Kent* I ſhould betake my ſelf; and receiving no news, I toſſed many things in my mind, as perhaps, that the King deſired to hear ſomewhat from the Duke, how he ſped in his journey; or that peradventure he might alter his purpoſe, upon report of my ready obeying; or that it might ſo fall out, that ſome of the Lords of the Court underſtanding, upon the *Secretary*'s return from *Croyden*, that which was formerly concealed from them, might infuſe ſome other Counſels into the King. Theſe thoughts I reſolved, at laſt, not forgetting the courſes of the Court, and imprinting that into my heart, That there was no good intended towards me, but that any advantage would be taken againſt me, I ſent a man to *Whitehall*, whether the King was now come for a night or two, and by him I wrote to the Lord *Conway*, in theſe words. B C

My very good Lord,

The Archbiſhop writes to the Lord *Conway*, to know if his Majeſty will give him his choice of two Houſes to retire to.

I Do not forget the Meſſage which you brought unto me on Thurſday *laſt, and becauſe I have heard nothing from you ſince that time, I ſend this Meſſenger on purpoſe to know what is reſolved touching the Houſe, or Houſes where I muſt remain: There belong to the Archbiſhoprick three Houſes in* Kent, *one at* Canterbury, *another five miles beyond, called* Foord, *and a third on the ſide of* Canterbury, *but two miles off, the name whereof is* Becksburn. D

I pray your Lordſhip to let me know his Majeſty's pleaſure, whether he will leave the choice of any of thoſe Houſes to me to reſide in: I have reaſon to know the reſolution hereof, becauſe I muſt make my proviſion of Wood, and Coals, and Hey, for ſome definite place; and when I ſhall have Brewed, it is fit I ſhould know where to put it, or elſe it will not ſerve thè turn: It is an unſeaſonable time to brew now, and as untimely to cut Wood, being green in the higheſt degree, and to make Coals, without all which, my Houſe cannot be kept. But when I ſhall know what muſt be my Habitation, I will ſend down my Servants preſently, to make the beſt Proviſions that they can. And ſo expecting your Lordſhip's Anſwer, I leave you to the Almighty, and remain, E F

Croyden, *July* 10. 1627.

Your Lordſhip's very loving Friend,

G. Cant.

He

3. *Caroli.*

He made my Servant ſtay, and when he had gone up to know the King's further pleaſure, he returned me the Anſwer following.

May it pleaſe your Grace,

A *I Am aſhamed, and do confeſs my fault, that I wrote not to your Grace before I received your Reproof, though a gracious one, but, in truth, I did not neglect, nor forget. But the continual oppreſſion of buſineſs, would not permit me to advertiſe to your Grace the King's Anſwer. His Majeſty heard ſeriouſly your Profeſſions and Anſwers, and commanded me to ſignifie unto you, That he knew not the preſent difference between you and the Town; and if he had, he would not have caſt you into that*

B *inconvenience. He was well pleaſed you ſhould go to your Houſe at* Foord, *and ſaid, he did not expect when the Queſtion was ended between your Grace and the Town, that you ſhould go to* Canterbury.

And he further ſaid, He would not tie you to ſo ſhort a time, as might be any way inconvenient, but doth expect, that your Grace will govern it ſo, as his Majeſty ſhall not need to warn you a ſecond time.

I will not fail to move his Majeſty, to give you liberty to chuſe either of your Houſes you name, and give you knowledge of his pleaſure, and in all

C *things be ready to obey your commandments, or take occaſion to ſerve you in the condition of*

The Lord *Conway's* Anſwer.

Whitehall, *July* 10. 1627.

Your Grace's

moſt humble Servant,

D *Conway.*

I could not but obſerve therein that paſſage, That the King doth expect, that your Grace will govern it ſo, as his Majeſty will not need to warn you a ſecond time; I needed no Interpreter to expound thoſe

E words, and therefore did take order, that one of my Officers was preſently diſpatched unto *Foord*, to ſee the Houſe ready.

While Neceſſaries were caring for, and I lay for ſome days at *Croyden*, and afterwards at *Lambeth*, the City of *London* was filled with the report of my confining (for ſo they did term it) and divers men ſpake diverſly of it. I will not trouble my ſelf to mention ſome idle things, but ſome other of them require a little conſideration. A main matter that the Duke was ſaid to take in ill part, was, the reſort which

F was made to my Houſe at the times of Dinner and Supper, and that oftentimes of ſuch as did not love him.

The reaſon why the Duke was thought to be offended with the Archbiſhop.

My Anſwer unto that is, That by Nature I have been given to keep a Houſe according to my proportion, ſince I have had any means, and God hath bleſſed me in it. That it is a property by Saint *Paul*

The Archbiſhop accuſtomed to Hoſpitality.

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Paul required in a Biſhop, *That he ſhould be given to hoſpitality*; that it is another of his Rules, *Let your converſation be without covetouſneſs*; and thoſe things I had in mine eyes. Beſides, I have no Wife nor Child; and as for my Kindred, I do that for them which I hold fit; but I will not rob the Church nor the poor for them.

Again, It is ſo rare a fault in theſe days, that men not feeding on the King's meat, but of their own charge, ſhould frankly entertain their Friends when they come unto them, that I deſerve to be pardoned for it. But this is not all. A

King *James* enjoyned the Archbiſhop to live like an Archbiſhop.

When King *James* gave me the Biſhoprick, he did once between him and me, and another time before the Earl of *Salisbury*, charge me that I ſhould carry my Houſe Nobly (that was his Majeſty's word) and live like an Archbiſhop; which I promiſed him to do: And when men came to my houſe, who were of all civil ſorts, I gave them friendly entertainment, not ſifting what exceptions the Duke made againſt them; for I knew he might as undeſervedly think ill of others, as he did of me. But B I medled with no man's quarrels, and if I ſhould have received none but ſuch as cordially, and in truth, had loved him, I might have gone to Dinner many times without company. There frequented me Lords Spiritual and Temporal, divers Privy Counſellers, as occaſion ſerved, and Men of the higheſt Rank; where, if the Duke thought that we had buſied our ſelves about him, he was much deceived: Yet perhaps the old ſaying is true, *That a man who is guilty of one Evil to himſelf, thinketh that all men that talk together, do ſay ſomewhat of him.* I do not envy him that C happineſs, but let it ever attend him.

As for other men of good report, but of leſſer quality, I have heard ſome by name, to whom exception hath been taken, and theſe are three, (I know from the Court, by a Friend, that my Houſe, for a good ſpace of time, hath been watched; and I marvel that they have not rather named ſixty than three.) D

The Duke was not pleaſed that Sir *Dudley Diggs* frequented the Archbiſhop's houſe.

The firſt of theſe is Sir *Dudley Diggs*, a very great Mote in the Duke's Eye, as I am informed; for it is ſaid, That this Knight hath paid him in Parliament with many ſharp ſpeeches. If this be ſo, yet what is that to me? He is of age to anſwer for himſelf. But in the time of the late Parliament, when the Earl of *Carlile* came unto me, and dealt with me thereabout, I gave him my word, and I did it truly, That I was not acquainted with theſe things; only being ſick, as I was, I had in general given him advice, That he ſhould do nothing, that might give juſt offence to the King; and I have credibly heard, that when Sir *Dudley* was laſt in the *Fleet*, committed from the Council-Table, he was much dealt withal to know, Whether he was not inſtigated by me to accuſe the Duke in Parliament: The Knight, with all the proteſtations and aſſurances that could come from a Gentleman, acquitted me of the part, and whole, wherein he did me but right: And I do remember, when that man, now ſo hated, was a great Servant of the Duke's. So that if he have now loſt him, it cannot but be preſumed, that it is for ſome unworthy F carriage, which the Gentleman conceiveth hath, by that Lord, been offered unto him.

Moreover, how can I but imagine, the words and actions of Sir *Dudley Diggs* have been ill interpreted, and reported: when I my ſelf ſaw the Duke ſtand up nine times in a morning in the Parliament Houſe,

to

3 *Caroli.*

to faſten upon him words little leſs (if at all leſs) then Treaſon; when by the particular Votes of all the Lords and Commons in both Houſes, he was quit of thoſe things, which the other would have enforced upon him: And a little while before he was haſtily clapt into the *Tower*, and within a day or two releaſed again, becauſe nothing was proved againſt him. And I aſſure you, I am ſo little interreſſed in his actions, that to this day I could never learn the reaſon why he was impriſoned
A in the *Fleet*, although he was kept there for ſeven or eight weeks. I diſtinguiſh the King from the Duke of *Buckingham*, the one is our Sovereign by the Laws of God and Men; the other a Subject as we are: And if any Subject do impeach another, though of different degrees, let the Party grieved remedy himſelf by Law, and not by Power.

But to ſpeak further for this Knight, I may not forget when he was publickly employed, one time to the *Hague*, a ſecond time to *Muſcovia*,
B and thirdly, into *Ireland*, about affairs of the State; ſuch opinion was then held of his good endeavours. And, for my own part, ever ſince the days of Queen *Elizabeth*, I have been nearly acquainted with him; he was my Pupil at *Oxford*, and a very towardly one; and this knowledge each of other, hath continued unto this time. He calleth me Father, and I term his Wife my Daughter, his eldeſt Son is my God-ſon, and their Children are, in love, accounted my Grandchildren.

The Archbiſhop was Tutor to Sir *Dudley Diggs* at *Oxford*.

C

The ſecond that I have heard named, was Sir *Francis Harrington*, a Gentleman whom, for divers years, I have not ſeen, and who, for ought I know, was never in my houſe but once in his life.

The third was Sir *Thomas Wentworth*, who had good occaſion to ſend unto me, and ſometimes to ſee me, becauſe we were joynt Executors to Sir *George Savile*, who married his Siſter, and was my Pupil at *Oxford*;
D to whoſe Son alſo, Sir *Thomas Wentworth* and I were Guardians, as may appear in the Court of Wards, and many things paſſed between us in that behalf; yet, to my remembrance, I ſaw not this Gentleman but once in theſe three quarters of a year laſt paſt; at which time he came to ſeek his Brother-in-law, the Lord *Clifford*, who was then with me at Dinner at *Lambeth*.

The Duke was offended that Sir *Thomas Wentworth* frequented the Archbiſhop's houſe.

For one of the puniſhments laid upon me, it was told me by the Lord *Conway*, That I muſt meddle no more with the High Commiſſion;
E and accordingly within a few days after, a Warrant is ſent to the Attorney General, that the Commiſſion muſt be renewed, and the Archbiſhop muſt be left out: This under-hand being buzzed about the Town, with no ſmall mixture of ſpight, I conceived it to be agreeable to the proceedings with the Lords and Gentlemen which refuſed to contribute to the Loan, they all being laid aſide in the Commiſſions for Lieutenancy, and the Peace, in their ſeveral Countries. For my part, I had no cauſe to grieve at this, ſince it was his Majeſty's pleaſure; but it was by the
F Actors therein underſtood otherwiſe, they ſuppoſing, that this power gave me the more Authority and Splendor in the Church and Commonwealth.

The Archbiſhop commanded to meddle no more in the High Commiſſion.

To deliver therefore truly the ſtate of this Queſtion, It cannot be denied, but that it was a great point of Policy, for the eſtabliſhing of Order in the Eccleſiaſtical, and conſequently Civil Eſtate alſo, to erect

Commendations of the High Commiſſion Court.

ſuch

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ſuch a Court, whereby Church-men that exorbitated in any grievous manner, might be caſtigated, and rectifi'd; and ſuch ſort of crimes in the Laity might be cenſured, as were of Eccleſiaſtical Cognizance. And verily this is of great uſe in the Kingdom, as well for the cheriſhing the Study of the Civil Law, as otherwiſe: ſo that it be kept incorruptible, and with that integrity, as ſo grave a Meeting and Aſſembly requireth. That was principally my care, who took much pains, and ſpent much money, that in fair and commendable ſort, Juſtice was indifferently adminiſtred to all the King's people that had to do with us: But every one might ſee, that this was to my ſingular trouble; for beſides that to keep things in a ſtreight courſe, ſometimes in fits of the Gout, I was forced by my Servants to be carried into the Court, where I could not ſpeak much, but with difficulty; I was at no time free from Petitions, from Examinations, from ſigning of Warrants, to call ſome, to releaſe others, from giving way to ſpeeding and forwarding Acts of Courts; Suitors, as their fathion is, being ſo importunate, as that in Summer and Winter, in the day, and in the night, in ſickneſs and health, they would not be denied. A B

Theſe things were daily diſpatched by me out of Duty, and more out of Charity, no allowance of Pay being from the King, or of Fee from the Subject, to us that were the Judges: Nay, I may ſay more, the holding of that Court in ſuch ſort as I did, was very expenceful to me out of my private purſe, in giving weekly entertainment to the Commiſſioners; the reaſon whereof was this: King *James* being deſirous, when he made me Archbiſhop, that all matters ſhould gravely and honourably be carried, directed me, that I ſhould always call ſome of the Biſhops, that were about *London*, and ſome Divines, and Civilians, that by a good Preſence, Cauſes might be handled for the reputation of the Action; and willed me withal to imitate therein the Lord Archbiſhop *Whitgift*, who invited weekly ſome of the Judges to Dinner, the rather to allure them thither. This advice proceeded from the Biſhop of *Durham* that now is, which was not ill, if it came from a good intention. C D

The High Commiſſioners chargeable to the Archbiſhop.

I obeyed it ſingly, and did that which was enjoyned: But whereas in thoſe times the Commiſſioners were but few, ſince that time there hath been ſuch an inundation of all ſorts of men into that Company, that without proportion, both Lords Spiritual and Temporal, Commiſſioners and not Commiſſioners, reſorted thither, and divers of them brought ſo many of their men, that it was truly a burthen to me. I think it may by my Officers be juſtified upon Oath, That ſince I was Archbiſhop, the thing alone hath coſt me out of my private Eſtate One thouſand pounds and a half, and if I did ſay Two thouſand pounds, it were not much amiſs, beſides all the trouble of my Servants; who neither directly, nor indirectly, gained ſix pence thereby in a whole year, but only travel and pains for their Maſter's honour, and of that they had enough: My houſe being like a great Hoſtry every *Thurſday* in the Term; and for my Expences, no man giving me ſo much as thanks. E

Now this being the true Caſe, if the Church and Common-wealth be well provided for in the Adminiſtration of Juſtice, and regard be had of the Publick, can any diſcreet man think, that the removing of me from this moleſtation, is any true puniſhment upon me? I being one that have framed my ſelf to Reality, and not to Opinion, and growing more and more in years, and conſequently into weakneſs, having F

3 *Caroli.*

having before ſurfeited ſo long of worldly ſhews, whereof nothing is truly gained temporally, but vexation of ſpirit; I have had enough of theſe things, and do not dote upon them: The world, I hope, hath found me more ſtayed and reſerved in my courſes.

Nevertheleſs, whatſoever was expedient for this, was diſpatched by me while I lived at *Lambeth* and *Croyden*, albeit I went not out of
A door.

Yea, but you were otherwiſe inutile, not coming to the *Star-Chamber*, nor to the Council-Table.

My pain, or weakneſs, by the Gout, muſt excuſe me herein. When I was younger, and had my health, I ſo diligently attended at the *Star-Chamber*, that for full ſeven years I was not one day wanting. And for the Council-Table, the ſame reaſon of my indiſpoſition may ſatiſie: But there are many other things that do ſpeak for me. The greateſt
B matters there handled, were for Money, or more attempts of War: For the one of theſe, we of the Clergy had done our parts already; the Clergy having put themſelves into Payments of Subſidy, by an Act of Parliament, not only for theſe two laſt years, when the Temporalty lay in a ſort dry, but yet there are three years behind, in which our Payments run on with weight enough unto us; and no man can juſtly doubt, but my hand was in thoſe Grants in a principal faſhion.

The Archbiſhop's infirmity permitted him not to come to the Star-Chamber, or Council-table.

C And concerning the Proviſions for War, I muſt confeſs mine ignorance in the Feats thereof; I knew not the grounds whereupon the controverſies were entred in general; I thought, that before Wars were begun, there ſhould be ſtore of Treaſure; That it was not good to fall out with many great Princes at once; That the turning of our Forces another way, muſt needs be ſome diminution from the King of *Denmark*, who was engaged by us into the Quarrel for the *Palatinate* and *Germans*, and hazarded both his Perſon and Dominions in the proſecution of
D the Queſtion. Theſe matters I thought upon, as one that had ſometimes been acquainted with Councils; but I kept my thoughts unto my ſelf.

Again, I was never ſent for to the Council-Table, but I went, ſaving one time, when I was ſo ill, that I might not ſtir abroad.

Moreover, I was ſure that there wanted no Counſellers at the Board, the number being ſo much increaſed as it was. Beſides, I had no great encouragement to thruſt my crazy Body abroad, ſince I ſaw what little
E eſteem was made of me in thoſe things which belonged to mine own Occupation; with Biſhopricks, and Deanries, or other Church-places, I was no more acquainted than if I had dwelt at *Venice*, and underſtood of them but by ſome *Gazette*.

The Duke of *Buckingham* had the managing of theſe things, as it was generally conceived: For, what was he not fit to determine, in Church, or Common-wealth; in Court, or Council; in Peace, or War; at Land, or at Sea; at home, or in Foreign parts?

F *Mountague* had put out his *Arminian* Book; I three times complain'd of it, but he was held up againſt me, and by the Duke, magnified as a well-deſerving man.

Coſens put out his Treatiſe, which they commonly call, [*The Seven Sacraments:*] which, in the firſt Edition, had many ſtrange things in it, as it ſeemeth: I knew nothing of it, but as it pleaſed

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my Lord of *Durham*, and the Biſhop of *Bath*: So the World did read.

We were wont in the High-Commiſſion, to repreſs obſtinate and buſie Papiſts: In the end of King *James* his time, a Letter was brought me under the Hand and Signet of the King, That we muſt not meddle with any ſuch matter, nor exact the Twelve pence for the *Sunday* of thoſe which came not to the Church, (with which Forfeit we never medled.) And this was told us to be in contemplation of a Marriage intended with the Lady *Mary*, the Daughter of *France*. A

After the death of King *James*, ſuch another Letter was brought from King *Charles*, and all Executions againſt Papiſts were ſuſpended. But when the Term was at *Reading*, by open divulgation in all Courts, under the Great Seal of *England*, We and all Magiſtrates are ſet at liberty to do as it was preſcribed by Law: And now our Purſuivants muſt have their Warrants again, and take all the Prieſts they can; whereof Mr. *Croſs* took fourteen or fifteen in a very ſhort ſpace. B Not long after, all theſe are ſet free; and Letters come from the King, under his Royal Signet, That all Warrants muſt be taken from our Meſſengers, becauſe they ſpoiled the Catholicks, and carried themſelves unorderly unto them, eſpecially the Biſhop's Purſuivants: Whereas we had in all but two; *Croſs*, my Meſſenger, for whom I did offer to be anſwerable; and *Thomlinſon*, for whom my Lord of *London* (I think) would do as much. But the Caterpillers indeed, were the Purſuivants uſed by the Secretaries, men of no value, and ſhifters in the C world, who had been puniſhed and turn'd away by us for great miſdemeanors.

But truth of Religion and God's Service, was wont to over-rule humane Policies, and not to be over-ruled; and I am certain, that things beſt proſper, where thoſe courſes are held. But be it what it may be, I could not tell what to make of this Variation of the Compaſs, ſince it was only commanded unto me to put ſuch and ſuch things in execution. D But I never underſtood any thing of the Counſel, whereby I might give my judgment how fit or unfit they were, or might ſpeak to alter the Tenure, whereunto in former times I had been otherwiſe uſed. Variety of Reaſons breedeth Variety of Actions.

For the matter of the Loan, I knew not a long time what to make of it: I was not preſent when the Advice was taken; I underſtood not what was the Foundation whereupon the Building was raiſed, neither did ever any of the Council acquaint me therewith. I ſaw on the one E ſide the King's neceſſity for Money, and eſpecially it being reſolved, that the War ſhould be purſued; and on the other ſide I could not forget, that in the Parliament great Sums were offered, if the Petitions of the Commons might be hearkened unto. It ran ſtill in my mind, That the old and uſual way was beſt; That in Kingdoms, the Harmony was ſweeteſt, where the Prince and the People tuned well together; That whatſoever pretence of Greatneſs, he was but an unhappy man, that ſet the King and the Body of the Realm at diviſion; That the People (though not F fit to be too much cockered, yet) are they, that muſt pray, that muſt pay, that muſt fight for their Princes; That it could not be, that a man ſo univerſally hated in the Kingdom as the Duke was, muſt, for the preſervation of himſelf, deſperately adventure on any thing, if he might be hearkened unto.

Theſe

3 *Caroli.*

Theſe Meditations I had with my ſelf; and, God knoweth, I frequently in my prayers did beg, That he, whom theſe things did moſt concern, would ſeriouſly think upon them. It ran in my mind, that this new device for Money could not long hold out; That then we muſt return into the High-way, whether it were beſt to retire our ſelves betimes, the ſhorteſt Errors being the beſt. But theſe thoughts I ſuppreſſed within my Soul; neither did I ever diſcourage any man from
A Lending, nor encourage any man to hold back: which I confidently avouch.

At the opening of the Commiſſion for the Loan, I was ſent for from *Croyden*. It ſeemed to me a ſtrange thing; but I was told there, That howſoever it ſhewed, the King would have it ſo, there was no ſpeaking againſt it. I have not heard, that men throughout the Kingdom ſhould lend money againſt their will; I knew not what to make of it: But when I ſaw the Inſtructions, the Refuſers ſhould be ſent away
B for Soldiers to the King of *Denmark*, I began to remember *Urias*, that was ſet in the fore-front of the Battel; and, to ſpeak truth, I durſt not be tender in it. And when afterwards I ſaw, that men were to be put to their Oath, with whom they had had conference, and whether any did diſſwade them? And yet further beheld, that divers were to be impriſoned: I thought this was ſomewhat a New World. Yet all this while I ſwallowed my own ſpittle, and ſpake nothing of it to any man. Nay, when after ſome trial in *Middleſex*, the firſt Sitting was for *Surrey*
C in my Houſe at *Lambeth*, and the Lords were there aſſembled with the Juſtices of the whole County, I gave them entertainment in no mean faſhion: and I ſate with them, albeit I ſaid nothing; for the confuſion was ſuch, that I knew not what to make of it: Things went on every day, and ſpeech was, of much Money to be raiſed out of ſome Counties; yet afterwards it was not ſo readily paid, as preferred; and at length ſome refuſed even in *London* it ſelf, and *Southwark*, beſides many Gentlemen of ſpecial rank, and ſome Lords, as it was ſaid. And
D though it was reported, that they were but a contemptible company, yet the Priſons in *London* demonſtrated, that they were not a very few, but perſons both of note and number. The Judges beſides concurring another way, That they could not allow the Legality of the Demand, and the Enforcement that is uſed thereupon, did ſomewhat puzzle me for being too buſie in promoting of that, for which I might one day ſuffer. Yet hitherto I remained ſilent, hoping that time would break that off, which was almoſt come to an abſolute period. But in ſtead of this,
E by the permiſſion of God, I was called up to the King to look clearly into the Queſtion. When the allowance of *Sibthorp's* Pamphlet was put upon me, I then had ſome reaſon, out of the grounds of that Sermon, to fear, (and I pray God that my fear was in vain) that the Duke had a purpoſe to turn upſide down the Laws, and the whole Fundamental Courſes, and Liberties of the Subject, and to leave us not under the Statutes and Cuſtoms which our Progenitors enjoyed, but to the pleaſure of Princes; of whom, as ſome are gentle and benign, ſo ſome
F others, to ingreat themſelves, might ſtrain more than the ſtring will bear.

Beſides, now it came in my heart, that I was preſent at the King's Coronation, where many things on the Prince's part were ſolemnly promiſed; which being obſerved, would keep all in order, and the King ſhould have a loving and faithful people, and the Commons ſhould have

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a kind and gracious King. The contemplation of theſe things made me ſtay my Judgment; not any unwillingneſs to do my Prince any dutiful ſervice, whom I muſt and do honour above all the Creatures in the World, and will adventure as far for his true good, as any one whatſoever. But I am loath to plunge my ſelf over head and ears in theſe difficulties, that I can neither live with quietneſs of conſcience, nor depart out of the world with good fame and eſtimation. And perhaps my Sovereign, if hereafter he looked well into this Paradox, would, of all the world, hate me, becauſe one of my Profeſſion, Age, and Calling, would deceive him, and with baſe flattery ſwerve from the truth. *The hearts of Kings are in the hand of God, and he can turn them as the rivers of water.* A

The Archbiſhop's obſervation concerning the riſe of the Duke.

I draw to a concluſion; only repute it not amiſs (becauſe ſo much falleth in here) to obſerve a few words of the Duke of *Buckingham*, not as now he is, but as he was in his riſing. I ſay nothing of his being in *France*, becauſe I was not preſent, and divers others there be that remember it well; but I take him at his firſt repair to Court. King *James*, for many inſolencies, grew weary of *Somerſet*; and the Kingdom groaning under the Triumvirate of *Northampton*, *Suffolk*, and *Somerſet*, (though *Northampton* ſoon after died) was glad to be rid of him. We could have no way ſo good to effectuate that which was the common deſire, as to bring in another in his room; one Nail (as the Proverb is) being to be driven out by another. It was now obſerved, that the King began to caſt his eye upon *George Villiers*, who was then Cup-bearer, and ſeemed a modeſt and courteous Youth. But King *James* had a faſhion, that he would never admit any to nearneſs about himſelf, but ſuch an one as the Queen ſhould commend unto him, and make ſome ſuit on his behalf; that if the Queen afterwards, being ill intreated, ſhould complain of this *Dear one*, he might make his anſwer, *It is long of your ſelf, for you were the party that commended him unto me.* Our old Maſter took delight ſtrangely in things of this nature. B C D

That Noble Queen (who now reſteth in Heaven) knew her Husband well; and having been bitten with Favourites both in *England* and *Scotland*, was very ſhie to adventure upon this requeſt. King *James*, in the mean time, more and more loathed *Somerſet*, and did not much conceal it, that his affection increaſed towards the other; but the Queen would not come to it, albeit divers Lords (whereof ſome are dead, and ſome yet living) did earneſtly ſollicit her Majeſty thereunto. When it would not do, I was very much moved to put to my helping hand, they knowing, that Queen *Anne* was graciouſly pleaſed to give me more credit than ordinary, which all her attendants knew ſhe continued till the time of her death. I laboured much, but could not prevail; the Queen oft ſaying to me, *My Lord, you and the reſt of your friends know not what you do: I know your Maſter better than you all; for if this young man be once brought in, the firſt perſons that he will plague, muſt be you that labour for him; yea, I ſhall have my part alſo: The King will teach him to deſpiſe and hardly intreat us all, that he may ſeem to be beholden to none but himſelf.* Noble Queen! how like a Propheteſs or Oracle did you ſpeak! E F

Notwithſtanding this, we were ſtill inſtant, telling her Majeſty, that the Change would be for the better: For *George* was of a good nature, which the other was not; and if he ſhould degenerate, yet it would be a long time before he were able to attain to that height of evil, which the other

other had. In the end, upon importunity, Queen *Anne* condeſcended, and ſo preſſed it with the King, that he aſſented thereunto: Which was ſo ſtricken while the Iron was hot, that in the Queen's Bed-chamber, the King Knighted him with the Rapier which the Prince did wear. And when the King gave order to ſwear him of the Bed-chamber, *Somerſet*, who was near, importuned the King with a Meſſage, that he might be only ſworn a Groom: But my ſelf and others that were at the door, ſent A to her Majeſty, that ſhe would perfect her work, and cauſe him to be ſworn a Gentleman of the Chamber. There is a Lord or two living that had a hand in this atchievment; I diminiſh nothing of their praiſe for ſo happy a work: But I know my own part beſt; and, in the word of an honeſt man, I have reported nothing but truth. *George* went in with the King; but no ſooner he got looſe, but he came forth unto me into the Privy-gallery, and there embraced me: he profeſſed, that he was ſo infinitely bound unto me, that all his life-long he muſt honour me as his B Father. And now he did beſeech me, that I would give him ſome leſſons how he ſhould carry himſelf. When he earneſtly followed this chace, I told him I would give him three ſhort Leſſons, if he would learn them. The firſt was, That daily upon his knees he ſhould pray to God to bleſs the King his Maſter, and to give him (*George*) grace, ſtudiouſly to ſerve and pleaſe him. The ſecond was, That he ſhould do all good offices between the King and the Queen, and between the King and the Prince. The third was, That he ſhould fill his Maſters ears with nothing but C Truth. I made him repeat theſe three things unto me, and then I would have him to acquaint the King with them, and ſo tell me, when I met him again, what the King ſaid unto him. He promiſed me he would; and the morrow after, Mr. *Tho. Murrey*, the Prince's Tutor, and I, ſtanding together in the Gallery at *White-hall*, Sir *George Villiers* coming forth, and drawing to us, he told Mr. *Murrey* how much he was beholden unto me, and that I had given him certain Inſtructions; which I prayed him to rehearſe, as indifferently well he did before us; yea, and that he had D acquainted the King with them, who ſaid, They were Inſtructions worthy of an Archbiſhop to give to a young man. His countenance of thankfulneſs for a few days continued, but not long, either to me, or any others his Well-wiſhers. The Roman Hiſtorian *Tacitus* hath ſomewhere a Note, That Benefits, while they may be requited, ſeem Courteſies; but when they are ſo high that they cannot be repaid, they prove matters of Hatred.

E Thus, to lie by me, to quicken my remembrance, I have laid down the Cauſe and the Proceedings of my ſending into *Kent*, where I remain at the writing of this Treatiſe: Praying God to bleſs and guide our King aright; To continue the proſperity and welfare of this Kingdom, which at this time is ſhrewdly ſhaken; To ſend good and worthy men to be Governours of our Church; To proſper my mind and body, that I may do nothing that may give a wound to my Conſcience; and then to ſend me patience quietly to endure whatſoever his Divine Majeſty ſhall be F pleaſed to lay upon me; *Da quod jubes, & jube quod vis!* And in the end to give me ſuch a happy deliverance, either in life or death, as may be moſt for his glory, and for the wholſom example of others, who look much on the Actions and Paſſions of Men of my Place.

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AMongſt thoſe many Gentlemen who were impriſoned throughout *England*, for refuſing to lend upon the Commiſſion for Loans, only Five of them brought their *Habeas Corpus*, viz. Sir *Thomas Darnel*, Sir *John Corbet*, Sir *Walter Earl*, Sir *John Heveningham*, Sir *Edward Hampden*.

In *Michaelmas* Term, 3 *Caroli*, a Return was made of their ſeveral Commitments. [To inſtance only in one, all the reſt being in the ſame form.] The Warden of the Fleet made this Return,

"That Sir *Walter Earl* Knight, named in the Writ, is detained in the "Priſon of the *Fleet* in his cuſtody, by ſpecial command of the King, "to him ſignified by Warrant of ſeveral of the Privy-Council, in theſe "words:

Whereas Sir Walter Earl *Knight, was heretofore committed to your Cuſtody, Theſe are to will and require you ſtill to detain him, letting you know, that both his firſt Commitment, and direction for the continuance of him in Priſon, were, and are, by his Majeſty's ſpecial commandment.*

From *Whitehall, Novemb.* 7. 1627.

Tho. Coventrey.

Sir *Thomas Darnel* was the firſt that was brought to the Bar upon that Writ, where the King's Attorney-General, Sir *Robert Heath*, did inform the Court, that his Majeſty told him, He heard, that ſome of the impriſoned Gentlemen for the Loan did report, That the King did deny them the courſe of Juſtice; and therefore his Majeſty commanded him to renew the Writ of *Habeas Corpus*, leſt they would not move for another themſelves, by reaſon the Warden of the *Fleet* had not returned the firſt according to his duty.

To this, Sir *Thomas Darnel* replied, That ſuch words never came into his thoughts: and did humbly pray, they might make no impreſſion upon the Court to the diſparagement of his Cauſe; for he was accuſed of that he was in no manner guilty of. Upon which Sir *Nicolas Hide*, Chief Juſtice, ſaid, That he had made a fair and temperate Anſwer: And you may perceive (ſaid the Chief Juſtice) the upright and ſincere proceedings which have been in this buſineſs: You no ſooner moved for a *Habeas Corpus*, but it was granted you; you no ſooner deſired Counſel, but they were aſſigned you, though any Counſel might move for you without being aſſigned, and ſhould have had no blame for it: The King's pleaſure is, his Law ſhould take place and be executed, and for that do we ſit here; and whether the Commitment be by the King or others, this Court is the place where the King doth ſit in perſon to do right, if injury be done: And we have power to examine it; and if it appear that any man hath wrong done him by his Impriſonment, we have power to deliver and diſcharge him; if otherwiſe, he is to be remanded by us to Priſon again. And the Attorney-General, after the Chief-Juſtice had ſpoken, ſaid, Though this be a Caſe which concerns the King in an high degree, yet he hath been ſo gracious and ſo juſt, as not to refuſe the Examination and Determination thereof according to the Laws of the Kingdom.

Then the Court proceeded to hear the Arguments made in the Priſoners behalf. Mr. *Noy* argued for Sir *Walter Earl*, Sergeant *Bramſton* for Sir *John Heveningham*, Mr. *Selden* for Sir *Edward Hampden*, Mr. *Calthrop* for Sir *John Corbet*, who were all aſſigned of Counſel with the Priſoners by

3 *Caroli.*

by the Court of Kings-Bench, upon a Petition delivered by them to that purpoſe. After they had argued, Mr. Attorney had a day appointed to argue for the King. It is not our intention to take up the Reader's time with the Arguments at large, either by the one ſide or the other: We ſhall only hint unto you ſome Generals, chiefly concerning the form of the Return of the Writ. The firſt Exception taken by the Council for the impriſoned Gentlemen, was to the form of the Return.

A 1. For that the Return is not poſitive, but referred to the ſignification made by another, (by the Lords of the Council.)

2. The Keepers of the Priſons have not return'd the Cauſe of the Commitment, but the Cauſe of the Cauſe; which they held not to be good.

3. That the Return of the Commitment is imperfect, for that it ſheweth only the Cauſe of the detaining in Priſon, and not the Cauſe of the firſt Commitment.

Laſtly, That the Return is contradictory in it ſelf: For that in the
B firſt part thereof it is certified, that the detaining of thoſe Gentlemen in Priſon is *per ſpeciale mandatum Domini Regis*; and when the Warrant of the Lords of the Council is ſhewn, it appeareth, that the Commitment is by the command of the King, ſignified by the Lords of the Council.

The ſecond general Exception was to the matter of the Return; and that was touching the impriſonment, *per ſpeciale mandatum Domini Regis*; by the Lords of the Council, without any Cauſe expreſſed. Wherefore, ſaid Mr. *Selden*, by the conſtant and ſetled Laws of this Kingdom (with-
C out which, we have nothing) no man can be juſtly impriſoned, either by the King or Council, without a Cauſe of the Commitment; and that ought to be expreſſed in the Return. The Law ſaith expreſly, No Freeman ſhall be impriſoned without due Proceſs of the Law: *Nullus liber homo capiatur vel impriſonetur niſi per legem terræ, &c.* And in the Charter of King *John* there are theſe words, *Nec eum in carcerem mittimus*, We will not commit him to Priſon; that is, *The King himſelf will not.*

This right (ſaith Sergeant *Bramſton*) is the only means that a Subject
D hath, whereby to obtain his liberty; and the end of it is, to return the Cauſe of the Impriſonment, that it may be examined in this Court, whether the Parties ought to be diſcharged or not: Which cannot be done upon this Return; for the Cauſe of the Impriſonment is ſo far from appearing particularly by it, that there is no Cauſe at all expreſſed: And the Writ requires, that the Cauſe of the Impriſonment ſhould be returned, and the Cauſe ought to be expreſſed ſo far, as that it ought to be none of
E thoſe Cauſes, for which, by the Laws of the Kingdom, the Subject ought not to be impriſoned; and it ought to be expreſſed, that it was by Preſentment or Indictment, or upon Petition or Suggeſtion made unto the King. For (ſaid he) obſerve but the conſequence: If thoſe Gentlemen who are committed, without any Cauſe ſhewn, ſhould not be bailed, but remanded, the Subjects of the Kingdom may be reſtrained of their Liberty for ever, and by Law there can be no remedy. We ſhall not reflect upon the preſent time and Government; but we are to look what may betide us in time to come hereafter. The Laws are called the great Inheritance
F of every Subject, and the Inheritance of Inheritances, without which, we have nothing that deſerves the name of Inheritance.

If upon a *Habeas Corpus* a Cauſe of Commitment be certified, then (ſaid Mr. *Noy*) the Cauſe is to be tried before your Lordſhips; but if no Cauſe be ſhewn, the Court muſt do that which ſtandeth with Law and Juſtice, and that is, to deliver the Party. The Commons did complain in

Edw. 3.

An. 1627.

*Edw.*3. his time, that the great Charter, and other Statutes, were broken; They deſired, that for the good of himſelf and his People, they may be kept and put in execution, and not infringed, by making any Arreſt by ſpecial command, or otherwiſe. And the Anſwer which was given them, was this, That the ſaid Great Charter and other Statutes ſhould be put in execution according to the Petition, without diſturbance of Arreſts by ſpecial command; and the King granteth the Commons deſire in the ſame words, as they were expreſſed in their Petition. And afterwards complaining again, That notwithſtanding this Anſwer of the King, they were impriſoned by ſpecial command, without Indictment, or other legal courſe of Law. The King's Anſwer was, upon another Petition unto him, That he was therewith well pleaſed; and for the future he added further, *If any man be grieved, let him complain, and right ſhall be done.* And foraſmuch as it doth not appear to the Court, that there was any cauſe of the Commitment of theſe Members, no Charge againſt them, no Indictment or Proceſs according to the Laws: Wherefore Mr. *Noy* prayed they might be no longer detained in Priſon, but be bailed or diſcharged.

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Admit the Commitment of the Command of the King was lawful, yet, ſaid Mr. *Calthorp*, when a man hath continued in Priſon a reaſonable time, he ought to be brought to anſwer, and not to continue ſtill in Priſon, without being brought to anſwer; for that it appeareth by the Books of our Laws, that Liberty is a thing ſo favoured of the Law, that the Law will not ſuffer the continuance of a man in priſon for any longer time, than of neceſſity it muſt: And therefore the Law will neither ſuffer the Party, Sheriffs, or Judges, to continue a man in Priſon by their power and pleaſure. It doth ſpeak of the delivery of a man out of Priſon, with as reaſonable expedition as may be: And upon this reaſon it hath been reſolved, that howſoever the Law alloweth, that there may be a Term between the *Teſte* of an Original Writ, and the Return of the ſame, where there is only a Summons, and no impriſonment of the Body; yet the Law will not allow, that there ſhould be a Term between the *Teſte* of a Writ of *Capias*, and the Return of the ſame, where the body of a man is to be impriſon'd; inſomuch that it will give no way, that the Party ſhall have power to continue the body of a man longer time in priſon than needs muſt; ſo tender is the Law of the Subjects Liberty.

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Monday the 27*th* of *November*, the Attorney-General argued for the King, That this was a very great Cauſe, and hath raiſed great expectation; and he was afraid, that thoſe Gentlemen whom it concerns, have rather adviſed their Counſels, than their Counſels them. For the firſt Exception, That the Return is not poſitive, but hath relation to ſome others; he did conceive it was poſitive enough: For (ſaid he) the words are, *Quod detentus eſt ſub cuſtodia mea per ſpeciale mandatum Domini Regis:* The other words [*mihi ſignificatum*] they follow after, but are not part of the affirmation made before it. And if they will have it as they ſeem to underſtand it, then they muſt return the words thus; *Quod ſignificatum eſt mihi per Dominos Privati Conſilii, quod detentus eſt per ſpeciale mandatum Domini Regis*; and then it had not been their own proper Return, but the ſignification of another, the Lords of the Council. The turning of the ſentence would reſolve this point; the thing it ſelf muſt ſpeak for it ſelf: It is clear, it is a poſitive Return, that the detaining is by the command of the King; and the reſt of the Return is rather ſatisfaction to the Court, than any part of the Return. And for the other Exception, That the Cauſe of the Cauſe is returned, and not the Cauſe it ſelf; he ſaid, Among the Logi-

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3 *Caroli.*

Logicians there are two cauſes; there is *Cauſa cauſans*, and *Cauſa cauſata*. The *Cauſa cauſans* here in this caſe, is not the Warrant from the Lords of the Council, for that is *Cauſa cauſata*: But the primary and original Cauſe, which is *Cauſa cauſans*, is, *Speciale mandatum Domini Regis*; the other is but the Councils Signification, or Teſtification, or Warrant, for him that made the Return. And for the other Exception, the Cauſe is imperfect, becauſe it ſhews only the cauſe of detaining in Priſon, and A not the Cauſe of the firſt Commitment: He conceives it is ſufficient for an Officer of the Law to anſwer, That the Writ is a Command to make a Return of the detaining of the Priſoner, and he accordingly makes a Return of the Detention; and if the Keeper of the Priſon had only ſaid, they were detained, *per ſpeciale mandatum*, &c. it had been good.

Then he proceeded to the matter of the Return, and to anſwer the Book-Caſes and Records that had been cited by the Council for the Pri- B ſoners, and to produce Preſidents on the Kings behalf; which are extant in Print, to which the Reader is referred.

Afterwards Sir *Nicholas Hide*, Chief Juſtice, Juſtice *Dodderidge*, Juſtice *Jones*, and Juſtice *Whitlock* being upon the Bench, and Sir *John Heveningham* and the forementioned Priſoners being brought to the Bar, Sir *Nicholas Hide* Lord Chief Juſtice, by the conſent and direction of the Judges, ſpake to this purpoſe:

That the Court hath ſeriouſly conſidered what hath been ſpoken by C either ſide, and are grown to a reſolution: And that his Brothers have enjoyned him to deliver unto you the reſolution of the whole Court: And therefore (ſaid he) though it be delivered by my mouth, it is the reſolution of us all. I am ſure you expect Juſtice from hence, and God forbid we ſhould ſit here, but to do Juſtice to all men according to our beſt skill and knowledge, as it is our Oaths and Duties ſo to do. But this is a Caſe of very great weight, and great expectation, and requires more ſolemn Arguments than the time will now permit. The Exceptions D which have been taken to this Return, are two; the one for the form, the other for the ſubſtance. Firſt, for the form, becauſe it is not returned, as they ſay, poſitively and abſolutely, but with reference to a Warrant of the Lords of the Council: Now the Court is of opinion, That this is a poſitive and abſolute Return, upon this Reaſon, That the Keeper of the Priſon firſt returns, That they are detained by the ſpecial command of the King; and if they had ceaſed there, it had been poſitive: And for that which follows, That it was ſig- E nified to him by the Lords of the Council, this is only to certifie the Court, that he returned the Cauſe truly, and not to ſhew us that he had no knowledge of the Cauſe, but by the ſignification of the Lords of the Council: There is not one word in the Writ that demands the cauſe why they were taken, but why they are detained. So that that point in the Writ is ſufficiently anſwered, which was only to certifie the cauſe of the detention. And therefore we reſolve, That the form of this Return is good.

F The next thing is the main point in Law, Whether the ſubſtance or matter of the Return be good, or no? Wherein the ſubſtance is this; He doth certifie, that they are detained in Priſon by the ſpecial command of the King: And whether this be good in Law, or on, is the Queſtion. Here the Lord Chief Juſtice did mention the ſeveral Preſidents and Book-Caſes cited by each ſide, too long to be here related.

An. 1627.

And concluded, That that which is now to be judged by us, is this: Whether one that is committed by the Kings authority, and no cauſe ſhewn of his Commitment, according as here it is upon this Return, whether we ought to deliver him by Bail, or to remand him back again? Where by the way you muſt know, that we can take notice only of *this Return*: That when the Caſe appears to us no otherwiſe than by the Return, we are not bound to examine the truth thereof, but the ſufficiency of the Return: We cannot judge upon rumors or reports, but upon that which is before us on Record, which is examinable by us, whether it be ſufficient or not. A

Mr. *Attorney* had told you, That the King hath done it; and we truſt him in great matters, And we make no doubt but the King, if you ſeek to him, knowing the cauſe why you are impriſoned, will have mercy; but we leave that, we muſt not counſel you: if in juſtice we ought to deliver you, we would do it; but upon theſe grounds, Records, Preſidents, and Reſolutions, cited and produced, the Court is of opinion, they cannot deliver you, but you muſt be remanded. B

Various reports concerning the Army at *Rhee*.

Whilſt theſe Arguments about the Loan were in agitation (which began in *October* in *Michaelmas-Term*) various Reports and Advertiſements came from the Iſle of *Rhee*: ſometime, that they were in a Treaty with the Duke to ſurrender the Citadel unto him; others wrote, That it was but a device of the Governour to get time till Relief came: And many were diſſatisfied with the Preſents and Complements which paſſed between the Duke, and the Governour of the Citadel; Civilities to an enraged Enemy (as was ſaid) ſeldom producing good effect. Beſides, it was obſerved, the Governour, by his frequent ſending out of Meſſengers (though in a military way with Drums and Trumpets) gave the Enemy advantage of ſeeing the Works and Army. But the vulgar ſort at home ſpake more plainly of the miſcarriages at *Rhee*, how all things went there —— *The clean contrary way.* C

It hath been obſerved, when things come to be *Vox populi*, it is commonly an ill preſage: But at this time, perſons of better quality and judgment gave out odd ſpeeches concerning Affairs at *Rhee*, *That the buſineſs could not go well at the Iſle of* Rhee; *That there muſt be a* Parliament; *That ſome muſt be ſacrificed*; *That Biſhop* Laud *was as like as any.* D

The Biſhop hearing of theſe ſpeeches, and that they were doubled, being ſpoken by ſeveral perſons, he acquainted the King therewith; who replied unto him, *Let me deſire you not to trouble your ſelf with any reports, till you ſee me forſake my other Friends, &c.* And the Parliament which afterwards followed (ſaid Biſhop *Laud*) ſought his ruine, which by the Kings ſudden diſſolution thereof was prevented, and the Kings other Friends, by that means, not forſaken. E

A further Supply prepared for *Rhee*, and to be conveyd thither by the Earl of *Holland*.

Notwithſtanding theſe Reports, the King is reſolved ſpeedily to ſet to Sea divers Ships, with a further ſupply of Soldiers, to be ſent to the Army in the Iſle of *Rhee*; and commands to preſs certain Companies of Soldiers and Marriners, who were to rendezvous at *Plimouth*, and from thence to be imbarqued and diſpoſed as aforeſaid. In order to which ſervice, the King by Commiſſion, appointed the ſaid Soldiers and Marriners to be at preſent under the command of *Charles* L. Vicount *Wilmot*. But afterwards his Majeſty, by Commiſſion, did conſtitute and appoint the Earl of *Holland* to repair to *Plymouth*, and there to take into his charge, and under his command, the overſight, rule, order and government F

vernment of all the ſaid Soldiers and Mariners both at Sea and Land, and to ſee them, and all Proviſions and Neceſſaries to be ſhipped, and with all conveniency to be tranſported and conducted to the Iſle of *Rhee*; and a Squadron of Ships was alſo appointed for their tranſportation, and he was to deliver them under the command of the Duke of *Buckingham*, Admiral of *England*, and General of the Army.

But before the Earl of *Holland* ſet ſail, let us ſee what they are doing at the Iſle of *Rhee*.

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The Citadel at *Rhee* relieved.

The firſt news we meet with there, is, That the *French* (notwithſtanding our Army at Land, and a hundred Sail of Ships at Sea) had got into the Harbour with relief of Proviſions: And that Sir *John Burroughs*, the 20 of *September*, going to take a view of the Works, was ſhot with a Bullet, whereof he preſently died: His death was much lamented, having been a great Honour to the *Engliſh* Nation, both at home and abroad.

Sir *John Burroughs* ſlain.

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About this time landeth Sir *Piercy Crosby*, and ſome other Commanders, with about Sixteen hundred *Engliſh* and *Iriſh*, which came as an Aſſiſtance to the Forces before *Rhee*. And now *Troas* the Governour began to foreſee want, notwithſtanding his late Supply, and to ſtudy all ways and means how to give advertiſement to the King of *France*, of the low condition he was reduced unto. *Sandgrine* a *Frenchman*, adventured out of the Citadel, and privately eſcaped the Guards, and got with intelligence to the King of *France*: Yet *Troas* fearing leſt he might

Troas ſends intelligence to the King of *France*.

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miſcarry, prevailed with three of his men, promiſing large rewards, to adventure their lives, and to ſwim to the ſhore of the main Continent: Two miſcarried, but the third got ſafe, and delivered the Meſſage which the Governour entruſted him with. In the mean time more ſmall Veſſels got into the Harbour under the Citadel, and was a further (though ſmall) Supply unto them.

But the King of *France* was extremely allarm'd by the advertiſement from *Troas*, and thereupon blocks up *Rochel* with his Army, as if he had

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deſigned the taking it; but the main end in ſeeming to deſign the Army againſt *Rochel*, was thereby to take the opportunity to be near at hand to land Forces under the favour of the little Fort, ſo much neglected at firſt, and to put Victuals into the Citadel at S. *Martin's*, which was at that time reduced to a low condition: And the ſame was effected time after time, and ſupplies of men and Victuals got in, notwithſtanding the Engliſh Guards at Land and Sea, which now and then took ſome of the Veſſels; but nevertheleſs ſo much proviſion got in, as ſerved their

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occaſion in the Citadel to the end of the Siege.

The *Rochellers* at laſt declare for *England*.

Now the *Rochellers*, after they had in vain continued promiſes of obedience to the King of *France*, and entertained a diviſion among the Proteſtants, one Party croſſing another, and finding the evil conſequence of the diviſion, they put forth a *Manifeſto*, and declared for *England*; and the Duke of *Rhoan* having given Commiſſions to raiſe Forces to aſſiſt the *Engliſh*, declareth in preſervation of the Edict of two Peaces, and proteſteth not to demand any thing but the ob-

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ſervation of the ſaid Edicts. On the other part, the King of *France* declareth and promiſeth, That he will on his part obſerve the ſaid Edict: And further declares the Duke of *Rhoan* to be drawn to death; and declares *Sobiez* a Traitor, and that he that ſhould kill him ſhould be accounted Noble.

An. 1627.

A Treaty for ſurrender between the Duke and *Troas*.

By this time the *French* had got a great ſupply of Shipping from the *Spaniard* for their aſſiſtance, which, with their own, made up above an hundred Sail, (exceeding the *Engliſh* Navy in number) yet did avoid engaging with the *Engliſh* Fleet, exerciſing all their skill and art how to get in a good and round ſupply of Proviſion into the Citadel; and *Troas* the Governour employed his wit to gain him to that end, by entertaining a Treaty of ſurrender upon honourable terms; and prevails with the Duke that he may firſt ſend to the King of *France*, that he might come off with honour. The Duke conſents thereunto, on condition, that an *Engliſh* Gentleman, an Attendant upon the Duke, might go with that party which *Troas* ſent, and have a ſafe conduct through *France* to paſs into *England*. And ſo they both go to the Court of *France*, where the *Engliſh* Gentleman was ſecured; but the party whom *Troas* ſent hid his errand, and, no doubt, gave the King of *France* a perfect account of their condition in the Citadel; whilſt the *Engliſh* Gentleman was detained, that he could not do the like ſervice for the King of *England*, in delivering to him what he had in command from the Duke. The *French* Gentleman returns to the Leaguer at S. *Martin*'s; but by reaſon the *Engliſh* Gentleman was not permitted to go for *England*, the *Frenchman* was not permitted to go again into the Citadel.

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The Citadel relieved again.

Troas again renews the Treaty, pretending, that if had not Relief ſuch a day, by ſuch an hour, he would ſurrender: and ſpun out the time ſo long, that in good earneſt Relief got in, both of Men, Victuals, and Ammunition; and the ſame Veſſels which brought the Relief, carried away the ſick and wounded, and unſerviceable men in the Citadel. So the Treaty proceeded no further; and the Enemy holds upon their Pike-heads, Mutton, Capons, Turkies, &c. to let the *Engliſh* ſee they had no want. Now we go to work with Mine and Battery; and preſently alſo comes news, that the *French* had landed more Forces near the *Meadow-Caſtle*, (a place alſo at the firſt neglected, though then unmanned.) And Orders are given to draw out men (leaving the Trenches unguarded) to encounter the *French* that were landed: Which was performed with ſome reſonable ſucceſs; but the Enemy got ſecurity under the Caſtle, and thereupon the *Engliſh* retreated, and were enforced to fight to recover their Trenches, which the Enemy had now poſſeſſed, and many mens lives were loſt in the regaining thereof.

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A Retreat reſolved on.

This laſt refreſhment of the Enemy (being about the middle of *October*) cauſed the Duke to enter into Council, and to think of a reſolution for a Retreat; which he communicated to *Sobiez*, and tells him further, That the ſeaſon is paſt, his Army diminiſhed, his Victuals conſumed, and his Council of War had judged it fitting to retire. *Sobiez* anſwered the Duke, That the Earl of *Holland*'s Fleet was coming with Supplies; that the Relief given was not conſiderable; that the Retreat would draw after it the loſs of *Rochel*, and thereby make *Sobiez* guilty of the ruine thereof; but above all, it would bring an irreparable prejudice and diſhonour upon his Maſter of *Great Britain*, that had made an Enterpriſe of ſo little honour and profit. Upon this the Duke continues the Seige, and ſhortly after reſolves to ſtorm the Citadel and Works; to which (it was ſaid) the *Engliſh* Commanders were much averſe, but the *French* Commanders were zealous for it: And ſo, for a farewell, *Novemb.* 6. a vain Attempt was made on all ſides of the Citadel. In ſhort, we loſt men and honour; for the Fort was unacceſſible, beſides well manned with freſh ſupplies of men newly put in: and having left many dead and hurt, we were forced

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Sobiez againſt it.

The Citadel ſtormed.

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3 *Caroli.*

forced to retire. This ill ſucceſs, with the advice given, that the Troops of the other Forts did increaſe, (the *French*, notwithſtanding our ſhipping, pouring their Forces amain into the Iſland) haſtened the Duke to raiſe the Seige and to retreat, to ſhip his men again for *England*.

The Army retreats.

Novemb. 8. early in the morning, the Drums beat, and the Army prepares for a march; but ſcarce had the Rearguard come out, but the Troops of the Enemy appeared, equal in number for Foot, and far ſtronger in A Horſe, which the Enemy had (during the Siege) landed in the Iſland, under the favour of the little Fort, and the Meadow-Caſtle, (the two places ſo ſtrangely omitted at the firſt to be poſſeſſed by the *Engliſh*) yet notwithſtanding their ſtrength, and the advantage of falling upon an Army on a retreat, which had endured much hardſhip, and received many diſcouragements, would not the Enemy engage in plain field, when the Duke ſeveral times drew up the Army in their march, and made a ſtand, in hopes of a Battel. But the wary *French* Commander ſhunned the ha- B zard of Fight on equal terms, foreſeeing a great advantage with leſs hazard: For, no ſooner were the *Engliſh* entred into the narrow Cauſey and Lane, having on each hand deep ditches and Salt-pits, but the Enemy obſerved the advantage, and that the *Engliſh* had neglected to raiſe a Fort at the entry of the Cauſey to ſecure their retreat, and (yet worſe) that they had not raiſed a Fort at the further end thereof, near the bridge, to ſecure the paſſage over it, but had only raiſed a ſmall Work, not tenable, on the further ſide of the Bridge; whereupon the Enemy advanced C with great fury on a weak Rearguard of Horſe, and quickly put them to a retreat; who, in the narrow Cauſey, diſordered the Foot, and the Enemy thereby took the advantage, followed cloſe, and did much execution upon the *Engliſh*: Thoſe who eſcaped the ſword, were drowned in the Salt-pits and Ditches; and the crowd was ſo great on the Bridge, (the Enemy purſuing them over) that many *Engliſh* were drowned in the River. Yet in this diſcomfited condition the *Engliſh* took courage, faced about, rallied their Forces, made up a ſmart body that drew up to fight the enemy; D but the *French* (not daring to engage but upon great advantage) were enforced to retreat over the Bridge. The *Engliſh* loſt ſeveral hundreds of men, and many Colours, and great was their diſhonour: The loſs of the men was not ſo great, as that they were left upon ſo unequal terms, where the proof and valour of an *Engliſhman* could not put forth it ſelf.

The Enemy engageth the Rear of the Army.

November 9. The Army was ſhipped, and the Duke promiſeth the *Rochellers* to come again to their relief; and preſently after ſet ſail for *England*, meeting with the Earl of *Holland* as he was ſetting out of E *Plymouth*, coming with a Supply.

Several opinions concerning this Expedition to *Rhee*.

And now every man paſſeth his cenſure upon this Expedition: Some laying the fault upon the Duke, (1) for being too ſlow in his march, after the firſt landing, wherby the Enemy got in proviſion, and heartned his men. (2) In being too remiſs during the Siege, in not preventing proviſions for going into the Citadel, by doubling Guards at Land and Sea, when the wind ſtood fair. (3) In omitting to take in the little Fort, from whence (as was ſaid) proceeded all the miſery that afterwards followed. (4) In F retreating before all things were certainly prepared in order to a ſecure march in narrow places and paſſages. The Duke pleaded for himſelf, That he acted for the moſt part by the advice of a Council of War: and if Orders were given, and not obſerved, it was not his fault: That had the Earl of *Holland* come with a Supply of Shipping, Men, and Victuals, ſo ſoon as he might and ought to have done, he had then without doubt, ſo narrowly

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rowly blocked up the Harbour to the Citadel by Sea, that no Pro[illegible] ſhould have got into it. The Earl of *Holland* anſwered for himſelf, That when he was ready to have gone aboard the Fleet at *Plimouth*, the Ship with Proviſion were not come out of *Chattam*; and when the Proviſions were ſhipt, time was ſpent before he could get them to a Rendezvouz; and when they were come to a Rendezvouz, and he ready to ſet ſail with the whole Fleet, the Winds proved contrary. But ſome of the chief Commanders, when they came into *England*, ſpake ſomewhat loudly of other miſcarriages at *Rhee*, pleading much on the behalf of the Council of War.

The misfortune of *Rhee*-Expedition cauſeth a clamour in the Nation.

And now when the unfortunate action of *Rhee* was known and publiſhed throghout the Nation, the cry of the People was ſo great, and the Kings neceſſities ſo preſſing, that it was in every mans mouth, a Parliament muſt needs be ſummoned: for we have now provoked two potent neighbour Kings, and near Enemies; our Coaſt and Ports were unguarded, our able Commanders worn away, or not employed: the Mariners come in multitudes to the Court at *Whitehal*, in great diſorder and confuſion crying out for Pay, and much ado there was to appeaſe them: The Enemies come into our Harbour, ſurvey our Rivers, and the Fiſhermen can ſcarce look out: A vaſt number of our Ships have been loſt and taken in the three years paſt, and the Merchants ceaſe to build more, becauſe they were preſt for the Kings ſevice at a low rate, and not paid; and the Mariners flee from their own employment, fearing to be preſt again; and our Enemies grow upon us, eſpecially in the Eaſtern Countreys.

We give you here a brief account of ſuch Arrearages, as were behind and unpaid for Freight of Ships, Sea-mens wages, and Materials for Shipping, in the years, *1625*, *1626* and *1627*.

A liſt of Arrerages for freight of Ships and Sea-mens wages.

	l. *s.* *d.*
For freight of Merchants and *Newcaſtle*-ſhips imploy'd in his Majeſty's ſervice, and for ſeveral Bills of proviſions yet unpaid, in the years 1625, and 1626, according to the former Eſtimates, and Privy-ſeals paſſed for the ſame--	60000-00-00
For the freight of ſundry Merchants and *Newcaſtel*-ſhips, employed in his Majeſty's ſervice to the Iſle of *Rhee*, and other places, in the year 1627, ——	19560-12-04
For Sea-mens wages in the ſame year 1627, ending the laſt of this month, ——	61957-19-08
The repairing of the Hulls and Maſts of the ſaid Ships, to make them fit only for employment in the Narrow-Seas, together with repair, and for ſetting forth of the *Noſtredame* and *Sea-waller*, two Priſe-ſhips ——	05761-10-04
For repairing the ſaid Ships mentioned in the margin, for their Hulls, Maſts, &c. at 1000 marks apiece, ——	08000-00-00
For ſupply of 700 Tuns of Cordage, taken out of his Majeſty's Stores, for furniſhing to Sea of ſeveral Fleets, at 26 *l.* 13 *s.* 4 *d.* *per* Tun, being demanded upon ſeveral Eſtimates, to be made good at the end of each ſervice, and yet unpaid, ——	18666-13-04
Beſides theſe Arrears, there were Demands made by the Navy for ſupplying the Stores with Maſt, Timber, Plank, Deal, Sails, Ropes, Tar, Tallow, Iron, Anchors, &c. the ſum of ——	26000-00-00

Anne Royal.
Repulſe.
Aſſurance.
Nonſuch.
warſpite.
Adventure.
Triumph.
Victory.
S. George.
S. Andrew.
Rainbow.
Vantguard.
Red Lion.
S. Eſperite.
Garland.
Convectine.
Antelope.
Entrance.

The

The *Rochellers*, after the Dukes arrival in *England*, ſent their Deputies to his Majeſty for ſuccour and relief in their diſtreſſed condition, and preſented their deſires in nature of a Remonſtrance to the King and the Lords of the Council; wherein they gave his Majeſty moſt humble thanks for the great aſſiſtance and comfort they had received by the Fleet ſent in *July* laſt, whereof the Duke of *Buckingham* was Admiral, which would have been of greater aſſiſtance unto them, had the ſeaſon of the year permitted their ſtay longer there, or that the ſupply of Victuals and Ammunition had come unto them which his Majeſty had aſſigned. That they are given to underſtand, that there is application made to the King of *Denmark*, to propound the making of a Peace between the two Crowns of *England* and *France*, a thing to be wiſhed (if really intended:) But the Proceedings of *France* with the Reformed Churches there, have hitherto been ſuch, as when they ſpake moſt fair, and nothing but Peace uttered, nothing leſs was intended, and great advantages thereby have been taken againſt the Reformed Churches. But in caſe the Treaty do proceed, they humbly prayed, that then his Majeſty will be pleaſed to inſiſt upon the Capitulation which was made upon his mediation, and for which he paſs'd his word, that the Reformed Churches ſhould perform on their part, which they kept inviolable, till there were Forces placed and kept in Forts againſt them, contrary to Capitulation, and more Forces drawn down, in order to the reduction of the Remonſtrants, and a Fleet unexpectedly come upon them, to deſtroy their Navigation, when nothing on their part was offered in violation of the Treaty.

They did further remonſtrate, That now the Forces of *France* are breaking down apace about them, totally to block them up by Land, and do intend to make a Barricado croſs the Chaunel, leaving a narrow paſſage for the flux and reflux of the Sea, and by that means to ſtop all manner of Proviſions by Sea; which evidently remonſtrates their further ruine, if they, with all expedition, have not ſuccour and help from his Majeſty of *Great Britain*: For their neceſſities and ſtraits are very great already, by reaſon their Magazines are conſumed, their Moneys ſpent, and the Inhabitants reduced to ſmall allowances. And therefore do beſeech his Majeſty, with all poſſible diligence to ſend them ſupply of all ſorts of Proviſions fit for a Seige, and to ſuccour them once more with the Navy-Royal to interrupt the blocking up of the River; otherwiſe they are inevitably loſt. And laſtly, they did humbly beſeech his Majeſty, and the Lords of his Council, to have alſo ſo far pity of their indigency and need, as to permit a general Collection to be made in *England* and *Scotland*, of ſuch perſons, whom God ſhall move to contribute to their ſuccour and relief. And declare, that they are reſolved ſtill to hold out, hoping yet a Relief would come that might be of advantage unto them; and they were aſſured thereof by the Duke of *Buckingham* at his departure, that he would once more come in perſon to their aſſiſtance.

In this ſtate of affairs, it is ſaid, Sir *Robert Cotton* being thereunto called, preſented his advice to certain Lords of the Counceil in manner following.

Sir *Robert Cotton*'s advice touching the preſent ſtate of affairs.

AS ſoon as the Houſe of *Auſtria* had incorporated it ſelf with *Spain*, and by their new diſcoveries gotten to themſelves the Wealth of the *Indies*, they began to affect, and have ever ſince purſued a Fifth Monarchy, The Emperor *Charles* would lay the firſt Foundation of *Italy*, by

An. 1627. by ſurpriſing *Rome*: From this he was thruſt by force, and reſpect of Religion, *Hen.8.* being made *Caput Fœderis* againſt him. He then attempted *High-Germany*, practiſing by faction and force to reduce them firſt to Petty-States, and ſo to his abſolute power. In this, *Hen.8.* again prevented him, by laying the *Lutheran* Princes under his Confederacy and Aſſiſtance. His Son, the Second *Philip*, purſued the ſame Ambition in the *Netherlands* of *Germany*, by reduction whereof, he intended to make his way further into the others. This late Queen of *England* interrupted, by A
ſiding with the afflicted People on the one part, and making herſelf the Head of the Proteſtant League with the Princes, on the other part, drawing in ſecret of State the Countenance of *France*, to give the more reputation of aſſiſtance to them, and ſecurity to it ſelf.

Spain ſeeing his hopes thus fruitleſs by theſe unions, and ſtreights began firſt to break, if he might, the Amity of *France* and *England*: But finding the common danger to be a faſt tie, he raiſeth up a party in that Kingdom of his own; by which the French King was ſo diſtreſſed, that B
had not the Engliſh Council aſſiſted and relieved him, *Spain* had there removed that next and greateſt Obſtacle of his Ambition.

His Council now tells him from theſe Examples, That the way to his great work is impoſſible, ſo long as *England* lay a let in his way; and adviſeth him, that the remove of that Obſtacle be the firſt of his intents. This drew on thoſe often ſecret practiſes againſt the perſon of the Queen, and his open fury in *Eighty Eight* againſt the Body of the State: Which C
ſhe perceiving, following the adviſe of a free Council, would never after admit of a Peace; winning thereby the hearts of a loving People, who ever found hands and money for all occaſions at home, and keeping ſacredly all her Alliances abroad, ſecuring to her Confederates, all her time, freedom from fear of Spaniſh ſlavery, and ſo ended her old and happy days in glory.

Spain then, by the wiſdom and power of that great Lady diſpoiled ſo of his means to hurt, though not of his deſires, makes up with her peaceful Succeſſor, of happy memory, that Golden League; that diſ- D
arming us at home by the opinion of Security, and giving them a power in our Councils, by believing their Friendſhips and pretented Marriage, gave them way to cheriſh amongſt us a Party of their own, and benefit of power abroad to lead in Jealouſie and ſome diviſion between us and our Confederates: By which, we ſee, they have ſwallowed up the Fortune of your Majeſty's Brothers Eſtate, with the reſt of the Imperial States; diſtreſſed the King of *Denmark* by that quarrel; diverted *Swedens* aſſi- E
ſtance by the Wars with the *Pole*, and moving them now with offer of the Daniſh Crown; and now (whether from the Plot of our Fatality) hath caſt ſuch a bone between *France* and us, as hath made themſelves, by our quarrel of Religion, a faſt Confederate, and us a dangerous Enemy. So as now we are left no other aſſurance againſt their malice and ambition, but the *Netherlands*, where the tie of mutual ſafety is weakned, by daily diſcontents bred and fed between us, by ſome ill affected to both our ſecurities, that from the doubtfulneſs of Friendſhip, as we now ſtand, we may F
rather ſuſpect from our own domeſtick Faction, if they grow too furious, they will rather follow the example of *Rome* in her growing (that held, that equal ſafety honourable and more eaſie, *dare Regnum*, than *ſubjugare Provinciam*) conſidering the power they have in their hands, than to give any friendly aſſiſtance to ſave the preſent condition of a State. You may therefore ſee in what terms we ſtand abroad, and I fear we are

at

3 *Caroli.*

at home for reſiſtance in no better ſtate. There muſt be to withſtand a Forein Invaſion, a proportion both of Sea and Land-Forces: For to give an Enemy an eaſie paſſage, and a Port to relieve him in, is no leſs than to hazard all at one ſtake.

And it is to be conſidered, That no March by Land can be of that ſpeed to make head againſt the landing of an Enemy. Then that follows, That there is no ſuch prevention, as to be maſter of the Sea. To this point
A of Neceſſary Defence, there can be no leſs then Two hundred and forty thouſand pounds.

For the Land-forces, if it were for an Offenſive War, the men of leſs livelyhood were the beſt ſpared; and we uſed formerly to make ſuch War *Purgamenta reipub.* If we made no further purchaſe by it. But for the ſafety of a Commonwealth, the wiſdom of all times did never intruſt the Publick Cauſe to any other than to ſuch as had a portion in the Publick Adventure. And that we ſaw in *Eighty Eight*, when the care of
B the Queen, and of the Council did make the body of that large Army no other then of the Trained Bands, which with the Auxiliaries of the whole Realm, amounted to no leſs than Twenty four thouſand men. Neither were any of theſe drawn from forth their Country and proper habitations, before the end of *May*, that they might be no long grievance to the Publick; ſuch diſcontentments being to us a more fatal Enemy, then any Forein forces.

The careful diſtributing and directing of their Sea and Land-forces,
C being more fitting for a Council of War, than a private man to adviſe of, I paſs over; yet ſhall ever be willing and ready, when I ſhall be called, humbly to offer up ſuch Obſervations, as I have gathered by the former like occaſion in this Realm.

To make up this Preparation, there are requiſite two things, Money, and Affections; for they cannot be properly ſevered. It was well and wiſely ſaid of that great and grave Councellor the Lord *Burleigh* in the like caſe, to the late Queen; *Win hearts, and you have their hands and*
D *purſes.* And I find that of late, Diffidence hath been in the one, and hath unhappily prevented the other.

In gathering then of Money for this preſent need, there are three things requiſite, *Speed*, *Aſſurance*, and *Satisfaction*; And the way to gather (as, in other like caſes hath been done) muſt be by the path-way formerly called *Via regia*, being more ſecure and ſpeedy: For by unknown and untrodden ways, it is both rough and tedious, and never ſucceedeth well. This laſt way, although it took place as it were by a ſupply at firſt, and
E received no general denial, yet ſince, it hath drawn many to conſult with themſelves and others in the conſequence, as it is now conceived a preſſure on their Liberties, and againſt Law. I much fear, if that now again it be offered, either in the ſame face, or by Privy-ſeal it will be refuſed wholly. Neither find I that the reſtraint of the Recuſants hath produced any other effect, than a ſtiff reſolution in themſelves and others to forbear. Beſides although it were at the firſt with ſome aſſurance, yet when we conſider the Commiſſions and other forms incident to ſuch like ſer-
F vices, as that how long it hangs in hand, and the many delays that are, we may eaſily ſee that ſuch a ſum granted by the Parliament is far ſooner and eaſier levied.

If any will make the ſucceſſion of times to produce an inevitable neceſſity to enforce it if denied, whether in general by Exciſe or Impoſition, or in particular on ſome ſelect perſons, which is the cuſtom of

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ſome Countries, and ſo conclude it, as there, for the Publick State *prema lege*; He muſt look for this to be told him, That ſeeing Neceſ muſt conclude always to gather Money, 'tis leſs ſpeedy or aſſured th that by a Parliament: The ſucceſs attendeth the honor of the heedleſs Multitude, that are full of jealouſie and diſtruſt, and ſo unlike to comply to any unuſual Courſe of Levy, but by force; which if uſed, the effect is fearful, and hath been fatal to the State. Whereas that by Parliament reſteth principally on the Regal perſon, who may with eaſe and ſafety A mould them to his fit deſigns by a gracious yielding to their juſt deſires and Petitions.

If a Parliament then be the moſt ſpeedy aſſurance and ſafe way, it is fit to conceive what is the faireſt way to act and work that to the preſent need.

Firſt for the time of uſual Summons, Forty days, reputed to be too large for this preſent Neceſſity, it may be by dating the Writs leſſened, ſince it is no poſitive Law; ſo that a care be had that there may be a County-day after the Sheriff hath received the Writ, before the time of ſitting. B If then the Sum to be levied be once granted and agreed of for the time, there may be in the body of the Grant an Aſſignment made to the Knights of every County reſpectively, who under ſuch aſſurance may ſafely give Security proportionable to the Receipts, to ſuch as ſhall adventure in preſent for the Publick Service any Sums of money.

The laſt and weightieſt Conſideration, if a Parliament be thought fit, is, How to remove or comply the Differences between the King and Subjects in their mutual demands. C And what I have learned amongſt the better ſort of the Multitude, I will freely declare, that your Lordſhips may be the more enabled to remove, and anſwer thoſe Diſtruſts, that either concern Religion, publick ſafety of the King and State, or the juſt Liberty of the Commonwealth.

Religion is a matter that they lay neareſt to their Conſciences, and they are led by this ground of jealouſie to doubt ſome practiſes againſt it. D Firſt, for that though the Spaniſh Match was broken by the careful induſtry of my Lord of *Buckingham*, out of his religious care (as he then declared) that the articles there demanded might lead to ſome ſuch Sufferance as might endanger the quiet, if not the ſtate of the Reformed Religion here; yet there have (when he was an Actor principal in the Conditions of *France*) as hard, if not worſe to the preſervation of our Religion, paſſed, than thoſe with *Spain*. And the ſuſpect is Strengthned by the cloſe keeping of this agreement, and doubt in them of his affection, E in that his Mother and others, many his Miniſters of near imployment about him are ſo affected.

They talk much of his advancing men Popiſhly devoted, to places in the Camp of neareſt ſervice and chief Command; and that the Recuſants have got theſe late years by his power, more courage and aſſurance than before.

If to clear theſe doubts, (which perhaps are worſe in fancy than in truth) he takes a courſe, it might much advance the Publick ſervice againſt the ſqueamiſh humors, that have more of violent Paſſion than of F ſetled Judgement, and are not the leaſt of the oppoſite number in the Commonwealth.

*The next is the late misfortunes and loſſes of Men, Munition, and Honour in the late Undertakings abroad; which the more temperate ſpirits impute to want of Council, and the more ſublime Wits to Practice.

They

3 *Caroli.*

They begin with the *Palatinate*, and lay the fault of the loſs thereof on the imputed Credit of *Gondomar*, diſtruſting him for the ſtaying of ſupply to Sir *Horatio Vere*, when Colonel *Cecil* was caſt on that imployment; by which the King of *Spain* became Maſter of the Kings Childrens Inheritance. And when Count *Mansfield* had a Royal Supply of Forces to aſſiſt the Princes of our party for the recovery thereof, either Plot or Error defeated the enterpriſe for us to *Spains* advantage. That
A Sir *Robert Mansfields* Expedition to *Algiers*, ſhould purchaſe only the ſecurity and guard of the Spaniſh Coaſts.

To ſpend many Hundred thouſand pounds in the *Cadiz*-voyage, againſt the Advice in Parliament, only to warn the King of *Spain* to be in readineſs, and ſo our ſelves weakned, is taken for a ſign of an ill affection amongſt the Multitude.

The ſpending of much Munition, Victuals and Money, in my Lord *Willoughbies* Journey, is counted an unthrifty error in the Director of
B it; To diſarm our ſelves in fruitleſs Voyages, may ſeem a plot of danger.

It was held not long ago a fundamental Rule of our Neighbours, and our Security, by the old Lord *Burleigh*, That nothing can prevent the Spaniſh Monarchy, but a Faſtneſs of thoſe two Princes, whoſe Amity gave countenance and courage to the *Netherlands* and German Princes to make head againſt his Ambition. And we ſee, by this diſunion, a fearful Defeat hath happned to the King of *Denmark* and that party, to the
C advantage of the Auſtrian Family.

And this waſte of Publick Treaſure in fruitleſs Expeditions, will be an important Cauſe to hinder any new ſupply in Parliament.

Another Fear that may diſturb the ſmooth and ſpeedy paſſage of the Kings deſire in Parliament, is the vaſt waſte of the Kings livelihood; whereby is like, as in former times, to ariſe this jealouſie and fear, That when he hath not of his own to ſupport his ordinary Charge, for which the Lands of the Crown were ſettled unalterable, and called *Sacrum pa-*
D *trimonium Principis*, that then he muſt needs of neceſſity reſt upon thoſe aſſiſtances of the people, which ever were only collected and conſigned for the commonwealth; from whence it is like there will be no great labour and ſtiffneſs, to induce his Majeſty to an Act of Reſumption; ſince ſuch deſires of the State have found an eaſie way in the will of all Princes, from the Third *Henry* unto the laſt.

But that which is like to paſs the deepeſt into their Diſputes and care, is the late Preſſures they ſuppoſed to have been done upon the Publick
E Liberty and Freedom of the Subject, in commanding their Goods without aſſent by Parliament, impriſoning and confining their Perſons without ſpecial Cauſe declared, and that made good againſt them by the Judges lately, and pretending a Writ to command their attendances in Forein War; All which they are like to enforce as repugnant to any poſitive Laws, Inſtitutions, and Cuſtomary Immunities of this Commonwealth.

And theſe dangerous diſtaſtes to the People are not a little improved
F by the unexampled courſe, as they conceive, of retaining an Inland Army in Winter-ſeaſon, when former times of general fear, as in *Eighty eight*, produced none ſuch; And makes them in their diſtracted fears to conjecture idly, it was raiſed wholly to ſubject their Fortunes to the will of Power, rather then of Law; and make good ſome further breach upon their Liberties and Freedoms at home, rather then defend us from

An. 1627. any force abroad. How far ſuch Jealouſies, if they meet with any [illegible] al diſorder of lawleſs Soldiers, are an apt diſtemper of the looſe and [illegible] Multitude, which will eaſily turn away upon any occaſion in the [illegible] that they can ſide withal, as a glorious pretence of Religion and Pub[illegible] ſafety, when their true end will be only rapine and ruin of all, is worth a prudent and preventing care.

I have thus far delivered, with that freedom you pleaſed to admit ſuch Difficulties as I have taken up amongſt the Multitude, as may arreſt if not remove Impediments to any Supply in Parliament. Which how to facilitate, may better become the care of your Judgments, then my Ignorance. A

Only I could wiſh to remove away a perſonal diſtaſte of my Lord Duke of *Buckingham* amongſt the people: He might be pleaſed, if there be a neceſſity of a Parliament, to appear firſt Adviſer thereunto, and of the ſatisfaction it ſhall pleaſe his Majeſty of grace to give at ſuch time to his people; which I would wiſh to be grounded by preſident of his beſt and fortunate Progenitors; And which I conceive will ſatisfie the deſires and hopes of all, if it may appear in ſome ſort to be drawn down from him to the people; by the zealous care and induſtry that my Lord of *Buckingham* hath of the publick unity and content. By which there is no doubt but he may remain not only ſecure from any further quarrel with them but merit a happy memory amongſt them of a zealous Patriot. For, to expiate the paſſion of the people, at ſuch times, with ſacrifice of any of his Majeſties Servants, I have found it ------ as in *Ed.*2. *Rich.*2. *Hen.*6. ------ no leſs fatal to the Maſters then to the Miniſters in the end. B C

A reſolution to call a Parliament.

Theſe and ſuch like Conſiderations being repreſented to the King, *Jan.* 29. A Reſolution is taken at the Council-Table, to call a Parliament, to meet the 17 of *March* following. And now Warrants are ſent according to a preceeding Order made in this moneth, to all parts, to releaſe the Impriſoned Gentry and confined Gentlemen, for the buſineſs of the Loan-money: And as faſt as Writs came to the Counties and Boroughs to chooſe Members for Parliament, thoſe Gentlemen who ſuffered for the Loan were chiefly in the Peoples eye to be elected to ſerve for them in the enſuing Parliament, to preſent their Grievances, and aſſert their Liberties. D

The names of the Gentry, who about the time that Writs iſſued out for a Parliament, were releaſed out of Reſtraint and Confinement, appear by the enſuing Order and Liſt. E

At *Whitehall.*

Preſent, *The Kings Majeſty,*

Lord *Treaſurer,*
Lord *Preſident,*
Lord *Admiral,*
Lord *Steward,*
Lord *Chamberlain,*
Earl of *Suffolk,*
Earl of *Dorſet,*
Earl of *Salisbury,*
Earl of *Morton,*
Lord *Viſcount Conway,*
Lord *Biſhop* of *Durham,*
Lord *B. Bath* and *Wells,*
Mr. *Treaſurer,*
Mr. *Comptroller,*
Maſter of the *Wards,*
Mr. *Secretary Cook,*
Mr. *Chancellor* of the *Exchequer,*
Mr. *Chancellor* of the *Dutchy.* F

It

3 *Caroli.*

Order of the Council to set at liberty the Gentry imprisoned for the Loan money.

IT is this day Ordered by his Majesty being present in Council, That the several persons hereunder written, shall from henceforth be discharged and set at liberty from any Restraint heretofore put upon them by His Majesties Commandment: And hereof all Sheriffs and other Officers are to take notice.

A	Sir *John Strangewayes*	Knights.	*William Anderson*	Esquires.
	Sir *Thomas Grantham*		*Terringham Norwood*	
	Sir *William Armim*		*John Trigonwell*	
	Sir *William Mussam*		*Thomas Godfrey*	
	Sir *William Wilmore*		*Richard Knightley*	
	Sir *Erasmus Draiton*		*Thomas Nicholas*	
	Sir *Edward Aiscough*		*John Hampden*	
	Sir *Nath. Barnardiston*		*George Ratcliffe*	
	Sir *Robert Poyntz*		*John Dutton*	
B	Sir *Beacham* St. *John*		*Henry Pool*	
	Sir *Oliver Luke*		*Nathanael Coxwel*	
	Sir *Maurice Berkely*		*Robert Hatley*	
	Sir *Thomas Wentworth*		*Thomas Elmes*	
	Sir *John Wray*			
	Sir *William Constable*		*Thomas Wood*	Gent.
	Sir *John Hotham*		*John Wilkinson*	
	Sir *John Pickering*		*William Allen*	
	Sir *Francis Barrington*		*Thomas Holyhead*	
C	Sir *William Chancey*			

All these remain confined to several Counties.

	Sir *Walter Earl*	Knights.	Sir *John Corbet*	Knights.
	Sir *Thomas Darnel*		Sir *John Elliot*	
	Sir *Harbottle Grimston*		*William Coriton*	Esquires.
			George Catesby	
D	*Edward Hooker*	Londoners.	*John Stevens*	Londoners.
	George Bisset		*Thomas Deacon*	
	James Wooldrond		*John Potter*	
	Henry Sanders			

All Prisoners in the *Fleet*. In the *Gatehouse*.

Sir *John Heveningham* Knight.

Samuel Vassal	Londoners.	*William Savage*	
William Angel		*Nathanael Manesty*	

E In the *Marshalsey*. In the *New-Prison*.

Robert Lever	Londoners.	*Ambrose Aylot*	
John Peacock		*Thomas Sharp*	
Edward Ridge		*Thomas Totham*	
John Oclabery		*Augustine Braybrook*	
Andrew Stone		*Robert Payne*	
William Spurstow		*Edward Talston*	
F *Roger Hughes*		*John Whiting*	
John Pope		*Thomas Webb*	
James Bunch		*John Ferry*	
Thomas Garris			
James Waldron	All in the Custody of a Messenger.		
John Bennet			

Orders

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Orders iſſued alſo from the Council to the Lord Mayor and Aldermen of *London*, to uſe moderation in the demanding of the Loan-money from thoſe of the City of *London* who deferred payment. And now Archbiſhop *Abbot*, the Earl of *Briſtol*, and the Biſhop of *Lincoln*, notwithſtanding the cloud they were under, are had in conſideration by the King and Council, and Writs are ordered to be ſent unto them to ſit in the Houſe of Peers the enſuing Parliament.

A Parliament ſummoned.

After the Writs of Summons went forth, the King gave direction for a Commiſſion to raiſe moneys by Impoſitions in nature of an Exciſe, to be levied throughout the Nation, to paſs under the Great Seal. And at the ſame time ordered the Lord Treaſurer to pay Thirty thouſand pounds to *Philip Burlemach* a Dutch Merchant in *London*, to be by him returned over into the *Low-Countries* by Bill of Exchange unto Sir *William Balfour* and *John Dalbier*, for the raiſing of a Thouſand Horſe, with Arms both for Horſe and Foot. The ſuppoſed intent of which German Horſe was, as was then feared, to inforce the Exciſe which was then ſetting on foot.

A Commiſſion for Impoſitions.

Thirty thouſand pounds paid to *Burlemach* to be returned by Bill of Exchange, to raiſe Forein Forces.

The Council alſo had then under conſideration the Levying of Ship-money upon the Counties, to raiſe the King a Revenue that way. But now that a Parliament was called, the Council held it unfit and unſeaſonable to debate theſe matters any further at that time.

A little before the Parliament aſſembled, a Society of Recuſants was taken in *Clerkenwell*: Divers of them were found to be Jeſuites, and the Houſe wherein they were taken, was deſigned to be a Colledge of that Order.

Recuſants taken at *Clerkenwell*.

Among their Papers was found a Copy of this Letter written to their Father Rector at *Bruxels* diſcovering their Deſigns upon this State, and their Judgment of the temper thereof, with a Conjecture of the ſucceſs of the enſuing Parliament.

Father Rector,

A Letter from a Jeſuite concerning the enſuing Parliament.

LET not the damp of Aſtoniſhment ſeiſe upon your ardent and zealous ſoul in apprehending the ſudden and unexpected Calling of a Parliament: We have not oppoſed, but rather furthered it; So that we hope as much in this Parliament, as ever we feared any in Queen Elizabeth's *days.*

You muſt know the Council is engaged to aſſiſt the King by way of Prerogative, in caſe the Parliamentary way ſhould fail. You ſhall ſee this Parliament will reſemble the Pelican, *which takes a pleaſure to dig out with her beak her own bowels.*

The Election of Knights and Burgeſſes hath been in ſuch confuſion of apparent Faction, as that which we were wont to procure heretofore with much art and induſtry (when the Spaniſh Match was in Treaty) now breaks out naturally as a botch or boil, and ſpits and ſpues out its own rankor and venom.

You remember how that famous and immortal Stateſman the Count of Gondomar *fed King* James *his fancy, and rocked him aſleep with the ſoft ſweet ſound of Peace, to keep up the Spaniſh Treaty. Likewiſe we were much bound to ſome Stateſmen of our own Countrey, for gaining time by procuring thoſe moſt advantageous Ceſſations of Arms in the* Palatinate, *and advancing the Honor and Integrity of the* Spaniſh *Nation, and vilifying the* Hollanders; *remonſtrating to King* James, *That that State was moſt ungrateful both to his Predeceſſor Queen* Elizabeth, *and his Sacred Majeſty*

3 Caroli.

Majeſty; That the States were more obnoxious then the Turk, *and perpetually injured his Majeſties loving Subjects in the* Eaſt-Indies, *and likewiſe they have uſurped from his Majeſty the Regality and unvaluable profit of the Narrow-Seas in fiſhing upon the Engliſh Coaſt, &c.*

This great States-man had but one principal means to further their great and good deſigns, which was to ſet on King James, *that none but the* Puritan-*Faction, which plotted nothing but Anarchy, and his Confuſion, were averſe*
A *to this moſt happy Union. We ſteered on the ſame Courſe, and have made great uſe of this Anarchical Election, and have prejudicated and anticipated the Great one, that none but the Kings Enemies, and his, are choſen of this Parliament, &c.*

We have now many ſtrings to our Bow, and have ſtrongly fortified our Faction, and have added two Bulwarks more: For when King James *lived (you know) he was very violent againſt* Arminianiſm *and interrupted (with his peſtilent Wit and deep Learning) our ſtrong Deſigns in* Hol-
B land, *and was a great Friend to that old Rebel and Heretick the Prince of* Orange.

Now we have planted that Sovereign Drug Arminianiſm, *which we hope will purge the* Proteſtants *from their Hereſie; and it flouriſheth and bears fruit in due ſeaſon.*

** The Materials which build up our Bulwark, are the Projectors and Beggers of all ranks and qualities: Howſoever, both theſe Factions cooperate to deſtroy the Parliament, and to introduce a new ſpecies and form of Govern-*
C *ment, which is Oligarchy.*

Thoſe ſerve as direct Mediums and Inſtruments to our end, which is the univerſal Catholick Monarchy. Our foundation muſt be Mutation, and Mutation will cauſe a Relaxation, which will ſerve as ſo many violent diſeaſes, as the Stone, Gout, &c. to the ſpeedy diſtraction of our perpetual and inſufferable anguiſh of body, which is worſe than death it ſelf.

We proceed now by Counſel and mature deliberation, how and when to work upon the Dukes *Jealouſie and Revenge; And in this we give the honour to*
D *thoſe which merit it, which are the Church-Catholicks.*

There is another matter of Conſequence, which we take much into our conſideration and tender care, which is to ſtave off Puritans, *that they hang not in the* Dukes *ears, They are impudent ſubtil people.*

And it is to be feared leſt they ſhould negotiate a Reconciliation between the Duke *and the Parliament at* Oxford, *and* Weſtminſter; *But now we aſſure our ſelves we have ſo handled the matter, that both* Duke *and* Parlia-ment *are irreconcileable.*

E *For the better prevention of the* Puritans, *the* Arminians *have already locked up the* Duke's *ears; And we have thoſe of our own Religion, which ſtand continually at the* Dukes *Chamber, to ſee who goes in and out: We cannot be too circumſpect and careful in this regard.*

I cannot chooſe but laugh to ſee how ſome of our own Coat have accoutred themſelves; you would ſcarce know them, if you ſaw them: And 'tis admirable, how in ſpeech and geſture they act the Puritans. *The* Cambridge-*Scholars to their woful experience ſhall ſee we can act the* Puritans *a little better than*
F *they have done the* Jeſuites: *They have abuſed our ſacred Patron Saint* Ignatius *in jeſt, but we will make them ſmart for it in earneſt. I hope you will excuſe my merry digreſſion; for I Confeſs unto you, I am at this time tranſported with joy to ſee how happily all Inſtruments and means as well great as leſs, cooperate unto our purpoſes.*

But

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But to return unto the main Fabrick: Our foundation is Arminianism. *The* Arminians *and* Projectors, *as it appears in the premiſſes, affect mutation. This we ſecond, and enforce by probable Arguments. In the firſt place we take into conſideration the Kings honour, and preſent neceſſity; and we ſhew how the King may free himſelf of his Ward, as* Lewis *the Eleventh did. And for his great ſplendor and luſtre, he may raiſe a vaſt Revenue, and not be beholden to his Subjects; which is by way of Impoſition of Exciſe. Then our Church Catholicks proceed to ſhew the means how to ſettle this Exciſe, which muſt be by a Mercenary Army of Horſe and Foot. For the Horſe, we have made that ſure; They ſhall be Foreiners, and* Germans, *who will eat up the Kings Revenues, and ſpoil the Country whereſoever they come, though they ſhould be well paid; What havock will they make there, when they get no Pay, or are not duly Paid? They will do more miſchief, then we hope the Army will do.* A

We are provident and careful, that this Mercenary Army of Two thouſand Horſe, and Twenty thouſand Foot, ſhall be taken on and in pay before the Exciſe be ſetled. In forming the Exciſe, the Country is moſt likely to riſe: If the Mercenary Army ſubjugate the Country, then the Soldiers and Projectors ſhall be paid out of the Confiſcations; If the Country be too hard for the Soldiers, then they muſt conſequently Mutiny, which is equally advantageous unto us. Our ſuperlative deſign is, to work the Proteſtants as well as the Catholicks to welcome in a Conqueror, and that is by this means: We hope inſtantly to diſſolve Trades, and hinder the building of Shipping, in deviſing probable Deſigns, and putting on the State upon Expeditions, as that of Cadiz, *was in taking away the Merchant Ships, ſo that they may not eaſily catch and light upon the* Weſt-India *Fleet, &c.* B

The Parliament being aſſembled the Seventeenth day of *March*, His Majeſty began with this Speech. C

My Lords and Gentlemen, D

The King's Speech at the opening of the Parliament.

'THeſe Times are for Action: Wherefore for Examples ſake, I 'mean not to ſpend much time in Words; expecting accordingly 'that your (as I hope) good Reſolutions will be ſpeedy, not ſpending 'time unneceſſarily, or (that I may Better ſay) dangerouſly; For tedi-'ous Conſultations at this conjuncture of time are as hurtful as ill Re-'ſolutions.

'I am ſure you now expect from me, both to know the cauſe of your E 'meeting, and what to reſolve on: Yet I think that there is none here 'but knows that Common danger is the cauſe of this Parliament, and that 'Supply at this time is the chief end of it: So that I need but point to 'you what to do. I will uſe but few perſwaſions: For if to maintain 'your own Advices, and as now the caſe ſtands for the following there-'of, the true Religion, Laws, and Liberties of this State, and the juſt 'Defence of our true Friends and Allies, be not ſufficient, then no Elo-'quence of Men or Angels will prevail. F

'Only let me remember you, That my duty moſt of all, and every-'one of yours according to his degree, is to ſeek the maintenance 'of this Church and Commonwealth: And certainly, there never 'was a time in which this duty was more neceſſarily, required, than 'now.

3 *Caroli.*

'I therefore judging a Parliament to be the antient, ſpeedieſt, and 'beſt way in this time of common danger, to give ſuch ſupply as to 'ſecure our ſelves, and to ſave our Friends from imminent ruine, have 'called you together. Every man now muſt do according to his Con-'ſcience: Wherefore if you (as God forbid) ſhould not do your duties, 'in contributing what the State at this time needs, I muſt, in diſcharge 'of my Conſcience, uſe thoſe other means, which God hath put into my A 'hands, to ſave that, which the follies of particular men may otherwiſe 'hazard to loſe.

'Take not this as a Threatning, for I ſcorn to threaten any but my 'Equals; but an Admonition from him, that both out of nature and du-'ty, hath moſt care of your preſervations and proſperities: And (though 'I thus ſpeak) I hope that your demeanors at this time will be ſuch, as 'ſhall not only make me approve your former Counſels, but lay on me 'ſuch obligations, as ſhall tie me by way of thankfulneſs to meet often B 'with you: For, be aſſured, that nothing can be more pleaſing unto 'me, than to keep a good correſpondence with you.

'I will only add one thing more, and then leave my Lord Keeper to 'make a ſhort Paraphraſe upon the Text I have delivered you, which is '*To remember a thing, to the end we may forget it.* You may imagine that 'I came here with a doubt of ſucceſs of what I deſire, remembring the 'diſtractions of the laſt Meeting: but I aſſure you, that I ſhall very ea-'ſily and gladly forget and forgive what is paſt, ſo that you will at this C 'preſent time leave the former ways of diſtractions, and follow the 'Counſel late given you, *To maintain the unity of the Spirit in the bond of* '*Peace.*

The Lord Keeper ſeconded his Majeſty on this manner.

D 'YE are here in Parliament by his Majeſty's Writ and Royal Com-'mand, to conſult and conclude of the weighty and urgent Buſi-'neſs of this Kingdom. Weighty it is, and great; as great as the ho-'nour, ſafety, and protection of Religion, King, and Countrey; And 'what can be greater? Urgent it is; It is little pleaſure to tell or think 'how urgent: And to tell it with circumſtances, were a long work: I 'will but touch the ſum of it in few words. The Lord Keeper's Speech.

'The Pope and Houſe of *Auſtria* have long affected, the one a Spi-E 'ritual, the other a Temporal Monarchy: and to effect their ends, to 'ſerve each others turn, the Houſe of *Auſtria*, beſides the rich and vaſt 'Territories of both the *Indies*, and in *Africa*, joyned together, are be-'come Maſters of *Spain* and *Italy*, and the great Country of *Germany*. 'And although *France* be not under their ſubjection, yet they have in-'vironed all about it; the very bowels of the Kingdom ſwayed by 'the Popiſh Faction: They have gotten ſuch a part, and ſuch interceſ-'ſion in the Government, that under pretence of Religion, to root F 'out the Proteſtants and our Religion, they have drawn the King to 'their adherence ſo far, that albeit upon his Majeſty's interpoſition by 'his Ambaſſadors, and his engagement of his Royal word, there was 'between the King and his Subjects Articles of Agreement, and the 'Subjects were quiet; whereof his Majeſty, intereſſed in that great 'Treaty, was bound to ſee a true accompliſhment; yet againſt that

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'ſtrict Alliance, that Treaty hath been broken, and thoſe of the Religion 'have been put to all extremity, and undoubtedly will be ruined with- 'out preſent help. So as that King is not only diverted from aſſiſting 'the common Cauſe, but hath been mis-led to engage himſelf in Hoſtile 'Acts againſt our King and other Princes, making way thereby for the 'Houſe of *Auſtria*, to the ruine of his own and other Kingdoms.

'Other Potentates, that in former times did ballance and interrupt 'the growing greatneſs of the Houſe of *Auſtria*, are now removed and A 'diverted. The *Turk* hath made Peace with the Emperor, and turned 'himſelf wholly into Wars with *Aſia*: The King of *Sweden* is em- 'broiled in a War with *Poland*, which is invented by Spaniſh practiſes, 'to keep that King from ſuccouring our part: The King of *Denmark* 'is chaced out of his Kingdom on this, and on that ſide the *Zound*; ſo 'as the Houſe of *Auſtria* is on the point to command all the Sea- 'coaſts, from *Dantzik* to *Embden*, and all the Rivers falling into the 'Sea in that great extent: ſo as beſides the power by Land, they B 'begin to threaten our Part by Sea, to the ſubverſion of all our 'State.

'In the *Baltick-Sea*, they are providing and arming all the Ships 'they can build, or hire; and have at this time their Ambaſſadors 'treating at *Lubeck*, to draw into their Service the *Hans-Towns*, 'whereby taking from us and our Neighbours the Eaſt-land Trade, by 'which our Shipping is ſuppli'd, they expect, without any blow given, 'to make themſelves Maſters of that Sea. In theſe Weſtern parts, C 'by the *Dunkirkers*, and by the now French and Spaniſh Admiral, to 'the ruine of Fiſhing (of infinite conſequence, both to us, and the 'Low-Countries) they infeſt all our Coaſt, ſo as we paſs not ſafely 'from Port to Port. And that Fleet which lately aſſiſted the French 'at the Iſle of *Rhee*, is now preparing at S. *Andrews*, with other 'Ships built in the Coaſt of *Biſcay* to re-inforce it, and a great Fleet is 'making ready in *Lisbon*; where, beſides their own, they do ſerve 'themſelves upon all Strangers Bottoms coming to that Coaſt for Trade: D 'And theſe great Preparations are, no doubt, to aſſault us in *England* 'or *Ireland*, as they ſhall find advantage, and a place fit for their 'turn.

'Our Friends of the *Netherlands*, beſides the fear that juſtly troubles 'them, leſt the whole force of the Emperor may fall down upon them, 'are diſtracted by their Voyages into the Eaſt, which hath carried both 'Men and Money into another World, and much weakned them at 'home. E

'Thus are we even ready on all ſides to be ſwallowed up; the Empe- 'ror, *France*, and *Spain* being in open War againſt us, *Germany* over- 'run, the King of *Denmark* diſtreſſed, the King of *Sweden* diverted, and 'the Low-Countrey-men diſabled to give us aſſiſtance.

'I ſpeak not this to increaſe fear, unworthy of Engliſh Courages, but 'to preſs to proviſion worthy the wiſdom of a Parliament: And for 'that cauſe his Majeſty hath called you hither, that by a timely provi- 'ſion againſt thoſe great imminent dangers, our ſelves may be ſtrength- F 'ned at home, our Friends and Allies encouraged abroad, and thoſe great 'cauſes of fear ſcattered and diſpelled.

'And becauſe in all Warlike preparations, Treaſure bears the name, 'and holds the ſemblance of the Nerves and Sinews; and if a Sinew 'be too ſhort or too weak, if it be either ſhrunk or ſtrained, the part

'becomes

" becomes unuſeful: It is needful that you make a good and timely
" ſupply of Treaſure, without which, all Counſels will prove fruit-
" leſs. I might preſs many Reaſons to this end; but I will but name
" few.

" Firſt, For his Majeſty's ſake, who requires it. Great is the duty
" which we owe him by the Law of God; great by the Law of Na-
" ture, and our own Allegiance; great for his own merit, and the me-
A " mory of his ever bleſſed Father. I do but point at them: But me-
" thinks our thoughts cannot but recoil on one Conſideration touched
" by his Majeſty, which, to me, ſeems ſo ſound, like a Parliamentary
" Pact or Covenant.

" A War was deviſed here, Aſſiſtance profeſſed, yea, and proteſted
" here: I do but touch it, I know you will deeply think on it; and
" the more, for the example the King hath ſet you; his Lands, his
" Plate, his Jewels he hath not ſpared to ſupply the War: What the
B " People hath proteſted, the King, for his part, hath willingly per-
" formed.

" Secondly, For the Cauſe ſake: It concerns us in Chriſtian cha-
" rity to tender the diſtreſſes of our Friends abroad; it concerns us
" in honour not to abandon them, who have ſtood for us. And if
" this come not cloſe enough, yet ſhall find our Intereſt ſo woven
" and involved with theirs, that the Cauſe is more ours than theirs
" If Religion be in peril, we have the moſt flouriſhing and Orthodox
C " Church: If Honour be in queſtion, the Stories and Monuments in
" former Ages will ſhew, that our Anceſtors have left us as much as
" any Nation: If Trade and Commerce be in danger, we are Iſlanders,
" it is our life. All theſe at once lie at ſtake, and ſo doth our ſafety and
" being.

" Laſtly, In reſpect of the manner of his Majeſty's demand, which
" is in Parliament, the way that hath ever beſt pleaſed the Subjects of
" *England*. And good cauſe for it: For, Aids granted in Parliament
D " work good effects for the People; they be commonly accompanied
" with wholeſom Laws, gracious Pardons, and the like. Beſides, juſt
" and good Kings finding the love of their People, and the readi-
" neſs of their Supplies, may the better forbear the uſe of their Pre-
" rogatives, and moderate the rigor of the Laws towards their Sub-
" jects.

" This way, as His Majeſty hath told you, he hath choſen, not as the
" only way, but as the fitteſt; not as deſtitute of others, but as moſt
E " agreeable to the goodneſs of his own moſt gracious diſpoſition, and
" to the deſire and weal of his People. If this be deferred, Neceſſity,
" and the Sword of the Enemy make way to the others. Remember
" His Majeſty's Admonition, I ſay, remember it.

" Let me but add, and obſerve God's mercy towards this Land above
" all others. The Torrent of War hath overwhelmed other Churches
" and Countries; but God hath hitherto reſtrained it from us, and ſtill
" gives us warning of every approaching danger, to ſave us from ſur-
F " priſe. And our gracious Sovereign, in a true ſenſe of it, calls together
" his High Court of Parliament, the lively Repreſentation of the Wiſ-
" dom, Wealth, and Power of the whole Kingdom, to joyn together
" to repel thoſe Hoſtile Attempts, which diſtreſſed our Friends and
" Allies, and threatned our ſelves.

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"And therefore it behoves all to apply their thoughts unto Coun-
"ſel and Conſultations, worthy the Greatneſs and Wiſdom of this As-
"ſembly; to avoid diſcontents and diviſions, which may either diſtem-
"per or delay; and to attend that *Unum neceſſarium*, the common Cauſe;
"propounding for the ſcope and work of all the Debates, the gene-
"ral Good of the King and Kingdom, whom God hath joyned to-
"gether with an indiſſoluble knot, which none muſt attempt to cut
"or unty. And let all, by unity and good accord, endeavour to A
"pattern this Parliament by the beſt that have been, that it may be a
"Pattern to future Parliaments, and may infuſe into Parliaments a
"kind of multiplying power and faculty, whereby they may be more
"frequent, and the King our Sovereign may delight to ſit on his
"Throne, and from thence to diſtribute his graces and favours amongſt
"his People.

"His Majeſty hath given you cauſe to be confident of this you have B
"heard from his Royal mouth; which nevertheleſs he hath given me
"expreſs command to redouble: If this Parliament, by their dutiful
"and wiſe proceedings, ſhall but give this occaſion, His Majeſty will
"be ready, not only to manifeſt his gracious acceptation, but to put
"out all memory of thoſe diſtaſtes, that have troubled former Par-
"liaments.

"I have but one thing more to add, and that is, As your Con- C
"ſultations be ſerious, ſo let them be ſpeedy. The Enemy is be-
"fore-hand with us, and flies on the wings of ſucceſs. We may
"dally and play with the Hour-glaſs that is in our power, but the Hour
"will not ſtay for us; and an Opportunity once loſt, cannot be re-
"gained.

"And therefore reſolve of your Supplies, that they may be timely,
"and ſufficient, ſerving the Occaſion: Your Council, your Aid, all D
"is but loſt, if your Aid be either too little, or too late: And his
"Majeſty is reſolved, that his Affairs cannot permit him to expect it
"over-long.

Sir *John Finch* being choſen Speaker, made this Addreſs to his Majeſty, *Wedneſday* the Nineteenth of *March*.

E

Moſt Gracious Sovereign,

Sir *John Finch* being choſen Speaker, made this Speech to his Majeſty.

YOUR obedient and loyal Subjects, the Knights, Citizens, and Burgeſſes, by your Royal Summons here Aſſembled, in obedience to your gracious direction, according to their antient uſage and privilege, have lately proceeded to the choice of a Speaker; and whether ſequeſtring their better judgments for your more weighty Affairs; or to make it known, that their Honour and Wiſdom can take neither increaſe, or diminution, by the value or demerit of any one particular Member, in what place ſoever ſerving them; omitting others of worth and ability, they have fixed their Eyes of favour and affection upon me. F

Their

3. Caroli.

Their long knowledge of my unfitneſs every way to undergo a charge of this important weight and conſequence, gave me ſome hope they would have admitted my juſt excuſe: Yet for their further and clearer ſatisfaction, I drew the Curtains, and let in what light I could upon my inmoſt thoughts, truly and really diſcovering to them what my ſelf beſt knew, and what I moſt humbly beſeech your Royal Majeſty to take now into your conſideration, that of ſo many hundreds ſitting among them, they could have found few or none, whoſe preſentation to your Majeſty would have been of leſs repute or advantage to them: For, Et impeditioris linguæ ſum, *and the poor experience I have of that Royal Aſſembly is ſo ill ballanced with true Judgment, that every guſt and wave hath power on me; whereby I ſhall not only ſuffer in my own particular, but (which I apprehend with much more care and ſorrow) do prejudice to their common intereſt.*

Wherefore, dread and dear Sovereign, as low as the loweſt ſtep of your Royal Throne, I humbly bend, appealing to your great and Sovereign Judgment, for my diſcharge from this ſo unequal a burthen impoſed on me; moſt humbly and earneſtly beſeeching your moſt excellent Majeſty, for the Honour of that Great Council, and the better digeſtion of publick ſervices there, and withal to avert ſo ill an Omen, as the choice of me in the beginning of a Parliament, ordained (I hope) for the joy of our own, and the envy of other Nations; that by your gracious command, the Houſe may reconſult, and ſettle their better thoughts on ſome more worthy their Election, and your Majeſty's Approbation.

But his Majeſty not admitting his excuſe, approved of the choice, and the Lord Keeper delivered himſelf in the following Speech.

Mr. Speaker,

The Lord Keeper's Anſwer to the Speaker.

HIS Majeſty with moſt Gracious and Princely attention, hath heard your humble Excuſe, he knoweth the weight and importance of your Place, but your ability to diſcharge it he approves, and commends the Election of the Houſe of Commons, and therein receives the more content, becauſe they followed the light taken from himſelf, who formerly made choice of you, to ſerve him in a place of Truſt, both about himſelf and his Royal Conſort; the Omen can't be ill, when the People ſo readily follow him, whom God hath ordained to go in and out before them.

And therefore, knowing your Tackling to be ſtrong, and finding your Sail to be moderate, and not overborn, his Majeſty doth doubt, neither Gulph nor Wave to endanger your paſſage; but ſince you are duly choſen, his Majeſty councels and commands, that unto your Humility you add Reſolution and Courage; they ſtand well together, and being joyned, they will arm all your Abilities, to that great employment of Service to your King and Countrey, which the Commons, by their Uniform voice, have put upon you; ſo his Majeſty, by his Royal Approbation, doth grant unto you, and ſettle you Speaker.

Mr.

An. 1627.

Mr. Speaker's Speech,

Mr. Speaker's Speech.

IT is now too long time to diſpute with my Lord the King, but with all joy of heart and alacrity, humbly and thankfully meet ſo great a favour from the beſt of Maſters, and the beſt of Men: Therefore firſt I bow my knee to your moſt Excellent Majeſty, in all humble and hearty acknowledgment of this your great and gracious favour; the truth of mine own heart (full of Zeal and Duty to your Majeſty and the Publick as any man's) quits me from all fear of running into wilful Errors, and your Majeſty's great goodneſs, (of which I have been ſo large a partaker) gives me ſtrong aſſurance, that having by your gracious Beams drawn me up from Earth and Obſcurity, you will ſo uphold me, by a benign and gracious interpretation of all my Words and Actions, that I fall not down like a rude and imperfect vapour, but conſume the reſt of my days in the Zeal of your Majeſty's Service. A B

This great and glorious Aſſembly, made perfect by your Royal Preſence, like a curious Perſpective, the more I behold it, with the more joy and comfort I find a lively repreſentation of that happineſs we all enjoy; a better Tongue were fitter to expreſs it, but a rich Stone returns its value, though ill ſet.

Here in the fulneſs and height of your Glory, like the Sun in the Exaltation of his Orb, ſits your moſt Excellent Majeſty (the Sovereign Monarch of this Iſle) In a Throne made glorious by a long Succeſſion of many great Princes, a Meditation worthy our better thoughts, that we live neither enthrall'd to the ſlavery and rage of the giddy multitude, nor yet to the diſtracted Wills of many Maſters, but under the Command of a King, the ſtay and ſtrength of the People, one (as Homer *ſaid of Kings,* Multorum conſilium & aliorum) *not to be laid in the ballance with other mens (for Kings know no Tenure but God's Service) and their value is only tried at his beam; beſides, that is a Sovereign Hereditary which maketh the Common-wealth, the King's care, as that which is his own Patrimony and Inheritance of his Children, when Elective Monarchies quickly run to ruine, and are ever made poor by the enriching of ſeveral Families.** C D

On your right hand are the Reverend, Religious, and Learned Prelates, the Lights of the Church, fit to be ſet in Golden Candleſticks, and not made contemptible by Parity and Poverty; that bleſſing, above all the reſt, by God's great goodneſs, and your Majeſty's Piety, the Realm enjoys the Liberty of the Goſpel, and the free poſſeſſion of God's true Religion: Your Majeſty paſſed the fiery Trial in Spain, *and gave us the aſſurance, that your Faith is built on the Rock, againſt which the Gates of Hell ſhall never prevail.* E

Since your coming to the Crown, by your Royal Edict you have baniſhed thoſe Incendiaries of Rome, *the Prieſts and Jeſuites, Enemies to our Church and State, ſo as now they are gone to lurk in corners, like the Sons of darkneſs; You have given life to the Law againſt Recuſants, and by your exemplary Piety, have drawn more to the Church: Yet,* Coge ingredi ut impleatur domus mea, *was his command that made the great Feaſt, and is the duty of Magiſtrates.* F

And certainly, Dread Sovereign, Religion will be ever a Target to them, that are a Buckler to it, ſtrong to hold your Subjects hearts in true obedience; Our Religion never bred a * Ravilliac, *and that execrable Villany, never to be forgot here, when all of us ſhould have turned to aſhes, was a Monſter that could never be bred, but by the Devil or Jeſuites.*

* Who killed Henry the Fourth, King of France.

On

3 Caroli.

On your left hand ſit your Nobles, the Lights of Honour, full of Courage and Magnanimity, yet in right diſtance between Crown and People, neither over-ſhadowing the one, nor oppreſſing the other.

Before your Throne, like the Twelve Lions under Solomon's *Throne, ſits the Lights of Juſtice, your Grave Judges, the Sages of Law, Learned and Juſt.*

A. *Our Laws, as excellent as they are, and ſurely no Humane Laws excel them, nor could ſuit ſo well with the condition of the People; Juſtice could never keep her right Channel, nor run ſo clear, as in your Majeſty's Reign it now doth.*

I muſt not forget the other Lights, the Knights, Citizens, and Burgeſſes of the Third State, who, though they move more ſlow, and at more diſtance from your Royal Perſon, yet, I am confident, will be ever found conſtant to the Poles of Love and Loyalty: It is a gracious favour of your Majeſty, and our former

B *Kings, (which I have thought on) that when both the Houſes are humble Suitors for any thing, they are never denied; and I aſſure my ſelf, your Majeſty ſhall find your Subjects ſo full of duty to the Crown, and of true and loyal affection to your Royal Perſon, that you ſhall never have cauſe to think your greateſt favours ill beſtowed upon them. This Union is a greatneſs beyond that of the Kingdom, to which you are Heir; is of more advantage to the Iſland, if the Diviſion be not among our ſelves, which the God of Unity, for his Mercy's ſake, forbid, and ſo knit our hearts in love one to another, and all of*

C *us in Duty and Loyalty to your moſt Excellent Majeſty, that this renowned Iſland periſh not for want of diſcretion, but may ever flouriſh and be like the* Jeruſalem *of God, where his name may be ever honoured.*

Great and Gracious have been the Actions of our Royal Predeceſſors; yet greater remain for your Majeſty, and moſt of thoſe attend you for their perfection.

The firſt Chriſtian Kings of Europe, *that abated the ſwelling pride of the Pope, by baniſhing the uſurped power over God's Vice-gerent, that firſt*

D *eſtabliſhed the true Religion now profeſſed, were all Kings of* England, *and the laſt a young one; Queen* Elizabeth *was a Woman, yet* Spain *had good cauſe to remember her, and the Proteſtants of* France *will never forget her.*

Your Royal Father, of Bleſſed and Famous Memory, had a Reign like Solomon's; *for Religion, no man knew more, and no man's knowledge was of more luſtre and advantage to it; this Age ſhall declare to the next, and all Ages ſhall ſee it in his Kingly works; yet whilſt under his glorious Reign we abounded with Peace and Plenty, our hands forgot to War, and our fingers*

E *to fight; till at laſt your Princely Meditation, upon the humble ſuit of both Houſes, the two Treaties were diſſolved, and a foundation laid for your Majeſty to ſteer another courſe.*

Eritis ſicut dii *was the Serpent's counſel, and ruined Mankind; nor is it fit for private men (much leſs for me) to ſearch into the Counſels and Actions of Kings, (only Sovereign) from a heart full of zeal to your Glory and Greatneſs, to ſay to your Majeſty, The time requires you, and Religion calls upon you, to go on with the Kingly courſe you have begun, till the State of Chriſtendom*

F *be ſet at his right ballance again.*

We ſee the Eagle ſpreading her Wings in Germany, *reaching with her Talons as far as the* Sound *and the* Baltick Sea, Denmark *and* Sweden *in danger of utter ruine;* Binſſyn *the Elector at the choice of the Emperor, inveſted, in a manner, ſolely in the Houſe of* Auſtria, *our Religion in* France *never ſo near a Period, and we know from whom it is*; Ille cui Monarchia Mundi,

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Mundi, &c. *and who, by the ruine of us and our Religion, would make a new Zodiack, and draw his eclipsed Lines through the* East *and* West-Indies; *but he that sits on high, will, in his due time, laugh them to scorn; and, as the wise Woman said unto King* David, *God will make my Lord the King a sure House, to continue still to fight the Battels of* Jehovah, *and let all* England *say,* Amen.

I have presumed too far upon your Royal patience, therefore I will conclude with a few words for them that sent me, who are all most humble Suitors to your most Excellent Majesty. A

The Speaker's several Petitions to the King.

1. *For the better attending of the publick and important Service of the House, our Selves and our Attendants may be free, both in Person and Goods, from Arrests and Troubles, according to our antient Priviledges and Immunities.*
2. *Next, that your Majesty, according to our antient Use and Priviledge, will be graciously pleased to allow us liberty and Freedom of Speech; and I assure my self, we shall not pass the latitude of Duty and Discretion.* B
3. *That upon all occurrences of moment, fit for resort unto your Royal Person, your Majesty, upon humble suit at your best times, will vouchsafe us access to your Royal Person.*
4. *And lastly, That all our Proceedings may be lodged in your Royal Heart, with a belief of our Zeal and Loyalty, and reap the fruit of your Majesty's favourable and gracious Interpretation.* C

One word more I humbly beg for my self, that though it be the beginning of Parliaments, I may now and ever enjoy the benefit of your Majesty's most gracious, general, and free Pardon.

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Mr.

3 *Caroli.*

Mr. *SPEAKER,*

HIS Majeſty with no leſs contentment then attention, hath hearkened to your eloquent Diſcourſe, and marked your beginning ſutable to his gracious encouragement and advice, not departing from your humble modeſty but adding to it Alacrity, thankfulneſs and joy of Heart; he obſerves that you derive theſe Rights from the Throne in Heaven, his Majeſty looks thither, and with you joyns his Prayers, that both he and this Aſſembly may by the divine hand and power be moulded into a joyful Union, for the ſafety and good of this Kingdom; next in applying your ſelf to the Throne on Earth, of his Majeſties gracious acceptance, and of the fulneſs of Zeal in your ſelf, his Majeſty believes it, and not in you alone, but in this great Aſſembly, and that both you and they may ſtand ſecure, not only from fear of wilful and pregnant Errors, but alſo from doubt of ſiniſter interpretations: I may ſay with the Woman in Scripture, my Lord the King is like unto an Angel of God, of a quick, of a noble and juſt apprehenſion, he ſtrains not at gnats, but will eaſily diſtinguiſh between a Vapor and a Fog, betwixt a miſt of Errors and a Cloud of ill wills: If the Heart be right his Majeſty knows that out of the abundance of the Heart, the Mouth ſpeaks.

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You proceed to a Survey of this great and glorious Aſſembly, and in it as in a curious Criſtal, you view the true happineſs that we all enjoy, you have ſhewed and deſcribed aright, and whoſoever it is that ſaith otherwiſe, either hath no ſight or falſe glaſſes.

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We have enjoyed it long under gracious and good Princes, and the way to enjoy it ſtill, is, to know and acknowledge it, and that God hath not dealt ſo with other Nations, and a principal cauſe and means is, as you mention in the Form of Government under which we live, a Monarchy, and the beſt of Monarchies, where Soveraignty is Hereditary, no *Interregnum* no Competition for a Crown; Diſſent and Succeſſion are here at once; the Spirit of God did long ſince propound by the mouth of the wiſeſt of Kings this Beatitude, Bleſſed art thou oh Land where thy King is the Son of Nobles: The Frame of other States are ſubject, ſome to Unconſtancy, ſome to Faction, ſome to Emulation and Ambition, and to many Diſtempers, where the people ever go to wrack, the Monarchy is moſt natural in its unity, the beſt

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An. 1627. Cement of Government prevailing moſt in reſpect of the Head that commands the reſt; and therefore other States after they have continued a while, for the moſt part are reduced into this, as the beſt for Peace, for Strength, or for continuance; but forms of Government though never ſo exact, move not of themſelves, but are moved of the Governors.

And therefore this our Monarchy, and this great Aſſembly, the lively image of this our Monarchy, are made happy and perfect in his Royal preſence, in the Royal preſence of him that ſits here in his Throne: The Law as it is glorious in it ſelf, ſo it is glorious in the happy Laws and Oracles that iſſue from it, but moſt glorious by them that ſit on it, his Majeſty; and his moſt Royal Progenitors, incomparable Kings, that with much honor have ſwayed the Royal Scepter of this Kingdom, ſo many Succeſſions and Raigns.

From the Throne of Majeſty you turn aſide to the Chair of Doctrine, the Reverend Prelats and the Stars of Religion, (as they are properly called) this is (as you have well ſaid) a bleſſing of Bleſſings, the very Pledge and aſſurance that ſecures all the reſt, that as our Religion is moſt ſincere and Orthodox, ſo our Clergy is eminent, both for purity of Doctrine, and integrity of Life, our Prieſts are cloathed with Righteouſneſs, and their lips preſerve knowledge, and therefore we may ſay with the Prophet, *Let Gods Saints ſing for joy.* I muſt joyn with you in attributing this tranſcendent happineſs, in the firſt place to the goodneſs of God, ſo in the ſecond place to his Majeſties Piety, who following the example of his ever bleſſed Father, is careful that all the Lamps of the Church ſhould be furniſhed with Oyl, and they in Golden Candleſticks with the pureſt and beſt Oyl: the Schools and Nurſeries of Learning were never ſo reſpected; Arts and Sciences did never ſo flouriſh, eſpecially Divinity, as in theſe our laſt Ages: And as they ſhew his Majeſties Piety, ſo they are infallible Arguments of his conſtancy; the Tryal which you call the fiery tryal in a place of Danger, againſt all the power and policy of *Rome* and *Spain*, do prove his Majeſties reſolutions to be immutable, and his remarkable example in his Chappel and Cloſſet, his ſtrict overſight and command to his houſhold-ſervants, his charge to his Biſhops and Judges, his Proclamations and Commiſſions, and the like, for the execution of the Laws, and his general care to keep

3 *Caroli.*

keep the Fountain clear, both from ſuperſtition and Schiſm, are fruits and effects of a pious Government.

From the Chair of Doctrine you turned to the State of Honor, to the Nobles and Barons of the Kingdom, theſe are as *Robur Belli*, and the ſervice of the King and Kingdom, are to make good with their Swords what the Church doth allow and bleſs with their Prayers: therefore as the Prelates are the Lights of the Church, ſo theſe be the Stars of the State, we know the Stars have fought and fought mightily againſt Gods Enemies.

A

From the State of Honor you turn to the State of Juſtice, and the 12 Lyons under *Solomons* Throne, the Judges and Sages of the Law, and as they be particularly truſted with the Laws of the Kingdom, Laws undoubtedly fitted to the diſpoſition of this people, for *Leges Angliæ & Conſuetudines Angliæ* (are) *Synonima, & Conſuetudo altera natura*; ſo that beſides their Juſtice and uprightneſs, Law is become natural to them. A powerful point of Obedience, ſuch Laws in the mouth of the upright and learned Judges, are like good waters in a pure Channel, the longer they run the ſweeter they are, and procure that effect which *Solomon* ſpeaks of, *when the righteous be ſet in Authority the people rejoyce.*

B

C

From the State of Juſtice you come to the Knights, Citizens and Burgeſſes of the third State; the Scriptures are fulfilled; in the multitude of people is the Kings Honor; and therefore you may be ſure, that no diſtance of place or diſtanee of order make a diſtance in affection: for wiſe Kings ever love their Honor next their heart. Kings are, *Paſtores Populi*, and the care of the Sheepherd extends to the furtheſt as well as the neareſt of his Flocks, nay he hath as much care of the leaſt lambs as the greateſt cattle, and as it is in the Body natural, no Member is ſo far remote, but it is ſtill & continually under the Care of the Head, ſo in this great and politick body of this Kingdom, no rank nor order of people ſo ſlow & ſo far remote from the Throne, but dayly & hourly they find and feel the influence and benefit of his Majeſties Care and Providence; nay the ſuperior rank of Nobles, of Judges, of Magiſtrates are not ordained for themſelves, but as Fountains to convey the Juſtice, protection, & goodneſs of the King to every inferior Member, and therefore as the King is ſo juſt, ſo there is juſt cauſe you ſhould be conſtant and Loyal to your power, and thus having peruſed both Houſes by their

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An. 1627. ſpecial parts, you come to joyn them together, and in that juncture you obſerve the greateſt denial of their requeſts is, that the King will Adviſe: It is a remarkable note, it ſhews alſo the Wiſdom and Judgment of the Houſe, Kings not willing to deny, and the People not willing to put them upon a denial; in the one modeſty and wiſdom in their requeſt, in the other moderation and ſweetneſs in their Anſwers. A

But that is not all, Kings deny not the requeſts of the Houſe, it holds much better by the rules of proportion, that the Houſe deny not the requeſts of the King, that is the antient and true Union of Parliaments, and the God of unity keep this unity; you have rightly called this an union of Hearts, ſo then it is a preſent fit for wiſe People to preſent to their King; Wiſe and Magnanimous Kings be a ſpecial gift from God, having large Hearts capable of greatneſs, it is never unwelcome to them where there is unity of Heart, ſo greatneſs is above all, and therefore preſent it to the King and you cannot doubt of acceptance. B

Having ſpoken of Union, you fell into a memorial of the great and glorious Actions of his Majeſties Predeceſſors, in the thought of this great one that remains, if I miſtake not your meaning, you would have it underſtood, that the union of Princes and People made way to theſe memorable Actions of thoſe former times, and we that wiſh the like in ours, ſhould look back on our Forefathers; wiſdom requires it, and that as we are the Sons of our Anceſtors, ſo we ſhould do the deeds of our Anceſtors. C D

The Pride of *Rome* abated (as you ſay) by *England*, lifts up her horn again, and Religion, like a Vine Tree planted, and deeply rooted here, did ſpread into our Neighbour Countries, but lately hath loſt many of her Golden Branches.

The *Auſtrian* Eagle that a while ago could not flutter for want of Feathers; now ſores aloft, and preys where ſhe lighteth on our Friends and Allies. E

Spain often foiled by us, laughs and inſults, that by their diſguiſed Treaties, they have ſpoiled the Patrimony of thoſe Princes, Branches of the Royal Cedar, and now ſhe Poſts apace to univerſal Monarchy, to the ruine of us, our Friends and Religion; but God hath prevented them, and I hope his People will ſtill ſtay their courſe. F

There is a Reſolution in our King, there is, I truſt, a Reſolution, for I am ſure there was in the Parliament for that great Action. His

3 *Caroli.*

His Majeſty as he hath a *Solomon*, ſo he hath many *Davids* in the Glorious Catalogue of his Royal Deſcent, and hath joyned himſelf in the Blood of the greateſt Princes, (as you mention) and beſides he hath a victorious name ſutable to his thoughts, and therefore as you have encouraged him to fight the Battels of *Jehovah*, ſo let all put to their helping hands and help, that it may be the glory of our King and Nation, for to ſet Chriſtendom in a right Ballance.

The Lord Keeper's Anſwer to the Speaker's ſeveral Petitions.

And now Mr. Speaker to come to your Petitions that you have made in behalf of the Houſe, his Majeſty moſt graciouſly and readily grants them all, according to the true Rights and Priviledges in Parliament, which he truſts and believes you will not tranſgreſs, nor exceed; therefore you may go on and conclude of the weighty and publick buſineſs, and the Almighty God proſper your work.

After this the Houſe met, and one Bill was read about Recuſants Children ſent beyond Sea, and then the Houſe roſe.

Before the Commons had entred into any Debates, this following Letter, touching the Inconveniences and Grievances of the State, was communicated to the Members of the Houſe, and it was called *A Speech without doors.*

To my noble Friends of the Lower-Houſe of Parliament.

The Speech without doors.

'IF any County had held me worthy to have ſerved in this Parliament, I had now been made a Member of your Lower-houſe, as formerly I have been in ſundry other Parliaments: But how unkindly ſoever ſhe dealeth with me, I will ever ſhew my thankfulneſs to her, and deliver, by way of obſervation, what I have heretofore learned in that grave and wiſe Aſſembly; for admoniſhment to the elder and a pathway for the younger to walk in.

'*Parliaments*, in my time, have been wont to take up ſome ſpace at the firſt meetings, to ſettle the Houſe, and to determine of *unlawful Elections*; and in this point they never had greater cauſe to be circumſpect, than at this time: For by an Abuſe lately crept in there is introduced a cuſtom, which if it be not foreſeen and prevented, will be a great derogation to the Honor, and a weakning to the power of your Houſe. Where the Law giveth a freedom to Corporations to elect

'Burgeſſes

An. 1627.

'Burgeſſes, and forbiddeth any indirect courſe to be taken in their Electi-
'ons; many of the Corporations are ſo baſe minded, and timerous, that
'they will not hazard the indignation of a Lord Lieutenants Letter, who
'underhand ſticks not to threaten them with the charge of a Muſket or a
'Horſe at the Muſter, if that he hath not the Election of the Burgeſſes,
'and not they themſelves.

'And commonly thoſe that the Lords recommend, are ſuch as deſire it
'for protection, or are ſo ignorant of the place they ſerve for, as that A
'there being occaſion to ſpeak of the Corporation for which they are
'choſen, they have asked their Neigbours ſitting by, whether it were a
'Sea or a Land Town?

'The next thing that is required, is, *Liberty of Speech*, without which
'Parliaments have little force or power; Speech begets doubts, and re-
'ſolves them, and doubts in Speeches beget underſtanding; he that
'doubts much, asketh often, and learns much; and he that fears the
'worſt ſooneſt prevents a miſchief. B

'This Priviledge of Speech is antiently granted by the teſtimony of
'*Philip Comines* a Stranger, who prefers our Parliaments and Freedom
'of the ſubject in them, above all other Aſſemblies; which Freedom,
'if it be broken or diminiſhed, is negligently loſt ſince the days of
'*Comines*.

'If freedom of ſpeech ſhould be prohibited, when men with modeſty
'make repetition of the Grievances and Enormities of the Kingdom;
'when men ſhall deſire reformation of wrongs and injuries committed, C
'and have no relation of evil thought to his Majeſty, but with open
'heart and zeal expreſs their dutiful and reverend reſpect to him and his
'ſervice: I ſay, if this kind of liberty of Speech be not allowed in time
'of Parliaments, they will extend no further than to Quarter Seſſions,
'and their Meetings and Aſſemblies will be unneceſſary, for all means of
'diſorder new crept in, and all remedies and redreſſes will be quite
'taken away.

'As it is no manners to conteſt with the King in his Election of Coun- D
'cellors and Servants, (for Kings obey no men, but their Laws) ſo were
'it a great negligence, and part of Treaſon, for a ſubject not to be free
'in Speech againſt the abuſes, wrongs, and offences, that may be occaſi-
'oned by perſons in Authority. What Remedy can be expected from a
'Prince to the Subject, if the enormities of his Kingdom be concealed
'from him? Or what King ſo religious or juſt in his own nature, that
'may not hazard the loſs of the hearts of his Subjects, without this Li-
'berty of Speech in Parliament? For ſuch is the misfortune of moſt E
'Princes, and ſuch is the unhappineſs of Subjects where Kings affections
'are ſetled, and their loves ſo far tranſported to promote ſervants, as
'they only truſt and credit what they ſhall inform.

'In this Caſe, what Subject dares complain? Or what Subject dares
'contradict the words or actions of ſuch a ſervant, if it be not warranted
'by freedom of a Parliament, they ſpeaking with humility? For nothing
'obtaineth favor with a King, ſo much as diligent obedience.

'The ſureſt and ſafeſt way betwixt the King and his People, which F
'hath leaſt ſcandal of partiality, is with indifference, with integrity and
'ſincerity, to examine the Grievances of the Kingdom, without touch-
'ing upon the perſon of any man, farther than the cauſe giveth occaſion:
'For otherwiſe, you ſhall conteſt with him that hath the Princes ears open
'to hearken to his inchanting tongue; he informs ſecretly, when you

'ſhall

3 *Caroli.*

'ſhall not be admitted to excuſes, he will caſt your deſerved malice 'againſt him, to your contempt againſt the King, and ſeeking to leſſen 'his Authority; and ſo will make the Prince the Shield of his Re- 'venge.

'Theſe are the ſiniſter practiſes of ſuch Servants, to deceive their 'Sovereigns, when our Grievances ſhall be authentically proved, and 'made manifeſt to the world by your pains to examine, and freedom to A 'ſpeak. No Prince can be ſo affectionate to a Servant, or ſuch 'an Enemy to himſelf, as not to admit of this indifferent proceed- 'ing: If his Services be allowable and good, they will appear with 'glory; if bad, your labour ſhall deſerve thanks both of Prince and 'Country.

'When Juſtice ſhall thus ſhine, people will be animated to ſerve their 'King with integrity: for they are naturally inclined to imitate Princes 'in good and bad.

B 'The words of *Cicero* will then appear, That malicious and evil men 'make Princes poor; and one perfect good man is able to make a Realm 'rich.

'One Caſe I will inſtance, that is common in the mouths of all men, 'and generally, *Vox Populi, vox Dei.* One of quality in the laſt Expe- 'dition to the Iſle of *Rhee*, endeavoured to conceal the number of men 'loſt in the laſt Encounter, and confidently affirmed their number not 'to exceed three or four hundred; till a Doctor of Phyſick out of ten- C 'derneſs of Conſcience, and duty to his Majeſty, could not diſſemble the 'vulgar and true Report, but acquainted his Majeſty with Two thou- 'ſand of his Subjects there loſt. This was ſo contrary to the firſt infor- 'mation, and ſo diſpleaſing to the Informer and his Deſigns, that he 'cauſed the Phyſicians remove from his Highneſs preſence, who yet re- 'mains in kind of a baniſhed man.

'The truth of theſe two Reports is eaſily determined by the Clerks 'of the Bands of each Company, and is worthy to be diſcovered for D 'Truth's ſake. Truth being ſo noble of it ſelf, as it will make him ho- 'norable that promoteth it: Lies may ſhadow it, but not darken it: 'they may blame, bet never ſhame it. By this ſmall Preſident his Majeſty 'ſhall ſee himſelf abuſed; and it may be a means for him to reflect both 'upon Men and Matters.

'The Men ſlain are no leſs injured by concealing their names, whoſe 'lives were loſt for King and Country. The Romans would have held 'it the higheſt Honour for their Friends and Poſterity ſo to die: And E 'a Parliament may fear, that thoſe that ſtick not ſo palpably to wrong 'a King, may as unjuſtly caſt aſperſions upon the Houſe, and other his 'loving Subjects.

'There is no remedy left for theſe miſ-reports, but a freedom of 'Speech in Parliament. For there is no wiſe man that ſpeaks, but 'knows what, and when to ſpeak, and how to hold his peace. Whilſt 'Subjects tongues are tied, for fear they may reach him a rap whoſe 'Conſcience cries guilty; the King and his People are kept from under- F 'ſtanding one another; the Enemy is heartened abroad, and the ma- 'lignant humor of diſcontent nouriſhed at home, and all for one who 'is like a Dragon, that bites the ear of the Elephant, becauſe he knows 'the Elephant cannot reach him with his Trunk; and Princes are abu- 'ſed by falſe Reports whiſpered in their ears by Sycophants and Flat- 'terers.

Diogenes

An. 1627.

'*Diogenes* being asked what Beaſt bit ſoreſt, anſwered, Of Wild 'Beaſts, the *Back-biter*; of Tame, the *Flatterer*.

'Now to deſcend to Grievances, which are of two kinds; ſome con-'cerning the Kingdom in general; ſome in particular, which have rela-'tion to the general.

'The *Grievances in general* are ſo many in number, as will ſerve for 'every Member of the Houſe to preſent Two apiece to your views. 'And becauſe I cannot be admitted amongſt you my ſelf, yet in regard A 'I have been a Member of you, I will preſume ſo far as to rank my 'ſelf with you, and to tender the number of Two unto your conſide-'ration.

'My firſt complaint is, *Of Titles of Honour*; and in two kinds.

'Firſt, In reſpect of the Parties themſelves, their Eſtates and Paren-'tage. B

'Secondly, In reſpect of the manner of their attaining thereunto, 'which is mercenary, baſe, and corrupt, which, in reaſon, ſhould not 'hold: For by Law, the conſideration is unlawful.

'*Trajanus* commended *Plutarch* for his Precepts in School, when he 'taught, That men ſhould labour to deſerve Honour, but avoid the 'getting of it baſely; for if it were Reputation to have it by deſert, it C 'were Infamy to buy it for Money. In that Age where Rich men were 'honoured, good men were deſpiſed.

'Honour is not to be valued according to the vulgar opinion of 'men, but prized and eſteemed as the Sirname of Virtue, ingendred 'in the mind; and ſuch Honour no King can give, or money can pur-'chaſe. He that will ſtrive to be more Honorable than others, muſt 'abandon Paſſion, Pride, and Arrogancy; that ſo his virtue may ſhine 'above others. For Honour conſiſts not in the Title of a Lord, but in D 'the opinion People have of their Virtue; for it is much more honour 'to deſerve, and not to have it, than to have it, and not de-'ſerve it.

'There is one of three things, that commonly cauſeth mans Advance-'ment, Deſert, Favour and Power.

'The firſt makes a man worthy of it; the other two are but abuſes: 'For Favour is but a blind Fortune, an ounce of which at Court, is 'better than a pound of Wiſdom: Fortune never favoureth, but flat- E 'tereth; ſhe never promiſeth, but in the end ſhe deceiveth; ſhe never 'raiſeth, but ſhe caſteth down again. And this Advancement is meeter 'to be called Luck than Merit.

'That Honour that is compaſſed by Power, takes unto it ſelf Liberty, 'and deſires not to be governed by wiſdom, but force. It knows not 'what it deſireth, nor hath a feeling of any Injury: It is neither mo-'ved with ſweet words, nor pitiful tears; ſuch men leave not to do 'evil, becauſe they have a deſire to it, but when their power faileth F 'to do it.

'The true Honour amongſt the Honourableſt is, where Fortune caſts 'down, where there is no fault: But it is Infamy where Fortune raiſeth, 'where there is no Merit.

'Examine the ſtate and condition of men raiſed to Honour theſe 25

'years

'years paſt, and whether it be deſert, favor or power that hath prefer-
'red them.

'Enter into the miſchief the Kingdom hath ſuffered and doth ſuffer by
'it and the cauſe of his Majeſties great wants will ſoon appear: If you
'Collect with your ſelves how many hungry Courtiers have been raiſed
'to the higheſt top of honor;

A 'After this, examine their Princely expence in theſe twenty five years,
'their Eſtates in preſent, and what is requiſite to maintain them in their
'future degrees of honour, to themſelves and their Poſterity, and you
'ſhall find his Majeſties annual Revenues conſumed and ſpent upon
'thoſe unworthy perſons. Beſides the impairing and impoveriſhing of
'the State, it brings with it the contempt of Greatneſs and Authority, it
'breeds an inward malice in Gentlemen better deſerving of their Coun-
'try, and better able to maintain the degree of honour without charge
'to King or Kingdom, and whoſe Houſes and Alliance may better chal-
B 'lenge it then the beſt of them.

'The Character of a covetous man is, that he getteth his goods with
'care and envy of his Neighbors, with ſorrow to his Enemies, with tra-
'vel to his body, with grief to his Spirit, with Scruple to his conſcience,
'with danger to his ſoul, with ſuit to his Children and curſe to his heirs;
'his deſire is to live poor, to die rich: But as theſe vices are made vir-
'tues, even ſo is he honored for them with Title of Nobility.

'When *Philip* the ſecond, King of *Spain* entred with Arms upon his
C 'Kingdom of *Portugal*, and though with his ſword he might have made
'fitting Laws; yet were there ſome few Priviledges which the Portugals
'beſought they might enjoy; one whereof was, That the King would
'make no unworthy perſon Noble, or without their approbation, which
'was granted them, and to this day they hold that Freedom, which
'keeps that Kingdom in the antient State, Honor and Dignity, (that is
'to ſay) two Dukes, one Marquis and Eighteen Earls: And thus much
'for the point of Honor.

D 'The ſecond Grievance I will recommend to your view is, *The car-
'riage of our Wars*, the exceſſive charges vainly ſpent therein the unwor-
'thineſs of the people imployed, the grave and experienced neglected,
'the deſigns not warranted by reaſon and diſcretion, and the executi-
'ons worſe performed, with many other circumſtances that depend up-
'on it.

'But before I Proceed herein, I muſt crave leave to ſpeak to two
'Points,

E 'The one to declare the property and condition of Impoſtors and De-
'ceivers of Princes.

'In the other I muſt clear the Houſe of Parliament of an Imputation
'caſt upon it.

'*Abuſers of Princes* are they that perſwade them to War; to become
'poor, when they may live in Peace, and become rich; when they may
'be loved, cauſe them to be hated; when they may enjoy their lives
'ſurely, put them in hazard of croſs fortune raſhly; and laſtly, having
F 'neceſſity to uſe their Subjects, put them into that neceſſity, as they
'refuſe to do for him: All this is Pride of the Perſwader, as *Socrates*
'ſaith,

'In the ſecond I will clear the Parliament (in which I was a Member)
'of an ungrateful aſperſion caſt upon it, that is to ſay, *That the Parliament
'was a cauſe to draw his Majeſty, into a War, and failed on their parts to
'contribute to it.*

An. 1628. 'Theſe have been often repeated, and the Parliament accuſed; the 'contrary hath been as often reiterated, and the truth expreſſed how far 'the Parliament proceeded therein. But to ſtop the mouths of ſuch falſe 'Reports, and to free the Parliament of ſuch a calumniation I muſt uſe 'this Argument.

'At the Aſſembly of *Oxford*, the Parliament being Prorogued thither, 'Money was required of us towards the furniſhing of his Majeſties Fleet 'then preparing, upon many reaſons alledged, too tedious now to re- A 'peat, with one conſent it was refuſed.

'Whereupon there was offer made by him, that next the King, ſeem- 'ed to have beſt Authority, That if they would but contribute Forty 'thouſand pounds, they ſhould chooſe their enemy.

'Whereupon I infer, That before that propoſition there was no Ene- 'my, and therefore no Wars; the motion for Money being denied, the 'Parliament inſtantly brake up; and ſeeing no Enemy was nominated, 'nor Money conſented unto by us, I ſee not how the Houſe can be tax- B 'ed for Peace-breakers, but rather the name to be caſt upon ſome young 'men, for youth by nature is prone to Pride, eſpecially where experi- 'ence wants; They are credulous in what they hear that pleaſeth them, 'and incredulous in what is told them by wiſe men; They are deſpiſers 'of others Counſels, and very poor in their own; They are dangerous 'for Princes to relie on, for ſelf-will is of greater force than Precepts.

'Now to proceed: In *October* following the fleet put to Sea, and 'what they did is apparent, by a Relation written by their General at C 'his Return.

'The Voyage being ended, another followed the next Summer under 'the command of that noble Lord, the Earl of *Lindſey*, which through 'the weakneſs and diſability of the Ships, was not able to perform what 'he had in charge, and what he deſired.

'The laſt and moſt lamentable, was that to the Iſle of *Rhee*, which I 'likewiſe refer to a man I have ſeen, and to the Books printed and ex- 'tant. D

'Theſe, with that to *Algier*, to make up a Meſs of Iſland Voyages, 'I wiſh might be referred to the examination of choice and experienced 'Soldiers by Land and by Sea, to report their opinions of it, That ſo 'their Errors, their waſtful expences, their Negligences, their weak De- 'ſigns, and want of experience, may appear, with the ſucceſs that 'might have proved; if Advice and Counſel had had preheminence 'above Will and Arrogancy; For he that is ignorant of truth and 'knowledge, and led away with pride of his own opinions, muſt needs E 'err. After it hath paſt your approbation, it is worthy his Majeſties 'view, who then ſhall ſee the difference of Actions well mannaged, and 'raſh and heady enterpriſes undertook by ignorance, and performed by 'folly.

'Buſineſſes of ſo great a conſequence ought to be conſidered of with 'Counſel, and not only of the neceſſity, profit and honor, but of the 'poſſibility that was like to follow; for an action well begun is half 'ended. F

'My experience in Diſcipline of War by Land and Sea can ſay no 'more than to refer it to others; for 'tis a courſe I never was bred to 'in my youth, and now too late in mine age to practiſe: Only one 'thing I obſerve, that in the two Journies of *Cadiz* and *Rhee*, in the 'firſt a Land-Soldier commanded at Sea, who knew not what belong-

'ed

3 Caroli.

'ed thereunto; and the other was carried by him that was Soldier 'neither by Land nor by Sea; and the ſucceſs proved accordingly in 'both: yet their errors were never queſtioned, but they both highly 'advanced.

'And it is no marvel; for according to the old ſaying, The beſt Fen-'cer is not always the beſt Fighter; the fairer Tilter, not the beſt ex-'perienced Soldier; nor the eye of a favourite at Court, the beſt Ge-A 'neral of an Hoſt: And whoſoever takes upon him that command with-'out knowledge, beholds himſelf in a falſe Glaſs, that makes him ſeem 'what he is not.

'As on the contrary, Experience is the Mother of Prudence, and Pru-'dence will take counſel, leſt ſhe joyn her ſelf with her will: haſtineſs 'cauſeth repentance, and forwardneſs cauſeth hinderance.

'Of the Evils that followed upon theſe two Voyages, your ſelves are 'ſufficient Witneſſes, and can judge of them: As namely, the Billeting B 'of Soldiers in the Country, and bringing their Ships into Harbours, 'not abating the entertainment of the one, nor the wages of the other. 'And yet notwithſtanding this needleſs coſt and charges, our Ships and 'Coaſts are daily infeſted in ſuch ſort, as we dare not peep out of 'Harbour.

'Were the carriage of things now anſwerable to the Prudence and 'Preſidents of former times, we cannot pretend a fear of Invaſion; be-'cauſe our Ships are divided into ſeveral Harbours, and our Soldiers bil-C 'leted in Inland Countries; beſides, the ſeaſon of the year giveth no op-'portunity to an Enemy to attempt it.

'Here is a Maſs of Wealth curiouſly conſum'd, whether the King or 'Subject bear it, and no man bettered, but only thoſe that have the titles 'of Soldiers, yet never had the happineſs or honour to ſee what apper-'tained to ſervice.

'Their example of diſorder encourages the other to follow their Li-'berty, People that were wont to live poorly, yet ſafely, are now by D 'theſe Fellows and their Followers robbed and ſpoiled, and no remedy 'for redreſs.

'The Rich ſtand upon their Guard, and dare not reſort to their 'Church, leſt in their abſence their Houſes be ſurpriſed and rifled.

'The Enemy giveth a ſudden attempt and returneth, the others do 'every day rob and ſpoil.

'The Enemy ſurpriſeth with fear, the others have neither fear nor 'ſhame.

E 'The firſt leſſening the greatneſs of the *Roman* Empire, was by the in-'ſolency of Soldiers; and the firſt raiſing of the Houſe of *Ottoman*, was 'by permiſſion and conniving at his Army.

'What man is there ſo old in *England* that hath ſeen, or what youth ſo 'young that ever thought to ſee, *Scottiſh* men and *Iriſh* men garriſoned in '*England*, and no Enemy appear againſt us? Or who could have imagi-'ned he ſhould ever have ſeen our own people tyrannized over in our 'own Kingdom by theſe of our own Nation, and thoſe *Scottiſh* and *Iriſh*, F 'and not dare ſo much as complain?

'Would our Forefathers have thought it ſafety or policy to draw 'two thouſand *Scottiſh* men and *Iriſh* men into the Iſle of *Wight*, for their 'defence againſt *France*, when they of the Iſle deſired it not, nay, when 'they oppoſed it?

'Would they have thought it wiſdom, that two thouſand Mouths,

An. 1627.

'beſides the Inhabitants, ſhould live on the food of that Iſland, and ſo 'bring themſelves into want and penury of Victuals, if they ſhould in 'earneſt be attempted by an Enemy? Would they have thought fit the 'charge of it ſhould be required of them, and yet they to ſuffer all 'injuries from the hands of ſtrange Soldiers, when the meaneſt Boy in 'the Iſland is taught to manage Arms better than the beſt of them that 'are there billeted? No, but they would rather have thought it diſ- 'cretion, upon the return of thoſe Voyages, to have cauſed the men to A 'repair to the place where they were preſſed, and to have ordered, that 'each Pariſh ſhould have ſet them to work for their maintenance, with 'command to be ready, upon warning, to repair to the place of Ren- 'dezvous.

'There is no place or part of *England* ſo remote from the Sea, but 'they might have reſorted to the Port aſſigned, before the Ships could 'be furniſhed or drawn together. They would have thought it more 'wiſdom to have retired to their own Harbours, and to have had their B 'men diſcharged, than to have continued this needleſs and expenceful 'courſe that is taken. They would have judged it better to have ſuppli- 'ed the Iſle of *Wight* with two thouſand men out of the main Land, 'when they feared any evil to the Iſland, than to ſend for them out of '*Scotland*, and to keep them in continual entertainment. They would 'have thought it more fit to have returned the barbarous *Iriſh* into the 'Country from whence they came, than to make them a vexation to the 'places and parts where they remain, ſeeing no ſhadow of reaſon can be C 'pretended for it.

'*England* wants no men, and hath as good and able men as either of 'the other two Nations, if his Majeſty had occaſion to uſe them.

'*England*, with ſmall charge, can raiſe what men his Majeſty pleaſeth 'to command, and that ſuddenly, and diſcharge them again without 'trouble or charge as quickly. The wiſe men of *England* would have 'thought two or three hundred thouſand pounds better ſpared, than 'thus waſtfully conſumed, and diſorders committed; we may compute it D 'to that ſum, and yet keep our ſelves within that compaſs: And not- 'withſtanding the want of Money, and the ways to exact it of the Subject, 'is all the Song now ſung. He that ſees and complains of the evil mana- 'ging of things, is either impriſoned, baniſhed the Court, or cenſured for 'a Diſcontent.

'There is no *Engliſh*-man, but knoweth the heart of every other true- 'hearted *Engliſh*-man, and with one conſent will all obey our Prince, and 'to his Perſon we owe all due reverence; and we may truly ſay, No E 'King is more happy in Subjects for their love, nor no Subjects readier to 'ſerve their King with their purſes and perſons; nor never people was 'better bleſs'd with a King, who is endowed with all kind of virtues, and 'ſtained with no manner of vice.

'Falſe informers, and miſguiders of good Kings, are much more peri- 'lous, than if Princes themſelves were evil: for commonly as Worms 'breed ſooneſt in ſoft and ſweet Wood, ſo are the beſt Natures, inclined 'to Honour and Juſtice, ſooneſt abuſed by falſe Flatterers. F

'The evil they commit under the Authority of good Princes, is ac- 'counted as done by the Prince himſelf; but commonly ſuch people in 'the end pay for it; for he that deſires not to do good, cannot be wiſe, 'but will fall into four thouſand follies.

'One of the firſt Propoſitions made to the Houſe, will be for Money 'to

3 *Caroli.*

'to ſupport his Majeſties vaſt expence at this time, that the Enemy threa-
'tens thunder againſt the Kingdom. Your often Alarms upon ſuch pre-
'tences, may make you now too ſecure; for true it is, that the laſt Par-
'liament, Books were publiſhed of invincible Preparations intended
'againſt us, and nothing came of it. But beware you be not deceived by
'an old ſaying, That when one uſually tells lies, he is not truſted when
'he ſpeaks truth; for certainly the danger is much more, than by the
A 'power and greatneſs of another Enemy.

'In this caſe you muſt give for your own ſakes, that ſo you may be
'ſure to enjoy what is yours; for your Sovereigns ſake, to maintain his
'greatneſs and ſtate; and for your Countries ſake, to keep it from op-
'preſſion of the Enemy: but withal, you ought to lay down the condi-
'tion of the Kingdom, and to ſhew that your neceſſity cannot run paral-
'lel with your hearts and your deſires; that your minds will be carried
'with a willingneſs to give, but your hands will keep back your hearts
B 'for want of ability to give.

'*Themiſtocles* demanding Tribute of the *Athenians*, told them, He
'brought two gods with him, that is to ſay, Perſwaſion and Violence:
'They anſwered, That they had two other gods in their Country, both
'great and powerful, which were Poverty and Impoſſibility, which hin-
'dred them from giving.

'We may truly ſay, That God hath ſo placed and ſeated this Iſle of
'*England*, that nothing but evil counſel can hurt it. But true it is, ad-
C 'vice that is not warranted from wiſe men, may prove more forcible and
'perilous, than the power of an Enemy.

'The Scripture telleth us, That the thought periſheth that taketh not
'counſel.

'A King of the *Lacedemonians* asked how a Kingdom might ever ſtand,
'and was anſwered, Two ways; If a King take counſel of wiſe honeſt
'men, and they ſpeak freely; And do Juſtice uprightly.

'There was never Cenſor that judged, Senator that Ordered, Empe-
D 'ror that Commanded, Council that Executed, Orator that Perſwaded,
'nor any other mortal man, but ſometimes he committed Errors, and de-
'ſerved either blame or puniſhment for his miſdoings; and if he were
'wiſe, deſired advice what to do.

'St. *Gregory* ſaith, No man can give ſo faithful counſel, as he who loves
'one more than his gifts; then who are, or can be, ſo true Counſellors
'to our noble King, as a Houſe of Commons that hath no relation to a
'Kings gift, but only to his Honour, flouriſhing eſtate and ſafety?

E 'This is the time to amend evil Counſels paſt, and to let evil Coun-
'ſellors ſee their Errors.

'This is the time for all men to put to their helps, ſome with their
'hands to fight, others with their advice to counſel: And for my advice,
'this it is;

That you preſent to his Majeſty in all humbleneſs, your willing minds and
hearts, to repair and fit to Sea his Majeſties Navy, your ſelves to have power
to make them able and ſerviceable, with the advice of experienced men that
F *you may call unto you.* 'This is a matter of great importance at this pre-
'ſent for the ſafety of King, Realm, and Subject; for the ſtrength of the
'Kingdom much depends upon this Bulwark, which we may well term,
The Walls of England.

'His Majeſty ſhall find himſelf much eaſed by it, Buſineſſes ſhall be
'carried without his trouble or care. Money ſhall not be ſought for to

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'that end, but provided by you, his Majesty may dispose of the rest of 'his Revenue at his pleasure.

'By your frugality and husbandry, his Majesty shall have occasion to 'judge of things past, of yours in present, and hereafter it will serve for a 'President to walk after; it will stop the mouths of malignant tongues, 'that inform his Majesty of the unwillingness of the Subject to give; and 'it will make it apparent, that their true grief is not in the matter of gi- A 'ving, but to see the evil employing of it when it is given.

'If any man shall pervert this good meaning and motion of yours, and 'inform his Majesty, *'Tis a derogation from his Honour to yield to his Sub- 'jects upon Conditions:* His Majesty shall have good cause to prove such 'mens eyes malicious and unthankful, and thereby to disprove them in 'all their other actions: For what can it lessen the reputation of a 'Prince, whom the Subject only and wholly obeyeth, that a Parliament, 'which his Majesty doth acknowledge to be his highest Council, should B 'advise him, and he follow the advice of such a Council? What disho- 'nour rather were it to be advised and ruled by one Counsellor alone, 'against whom there is just exception taken of the whole Common- 'wealth?

'*Marcus Portio* saith, That the Common-wealth is everlasting, where 'the Prince seeks to get obedience and love, and the Subjects to gain the 'affection of the Prince; and that Kingdom is unhappy where their 'Prince is served out of ends and hope of reward, and hath no other as- 'surance of them but their service. C

Grand Committees setled.

Thursday the 20 of *March*, the House setled their Grand Committees for Religion, Grievances, Courts of Justice, and Trade, and agreed upon a Petition to the King for a Fast; unto which the Lords also consented.

Most Gracious Sovereign,

D

Petition for a Fast.

WE your most humble and loyal Subjects, the Lords Spiritual and Temporal in this present Parliament assembled, upon a tender and compassionate sense of the extreme Calamities of the Reformed Churches abroad, and with much sorrow apprehending the displeasure of Almighty God declared against our selves, the manifold evils already fallen upon us, and those which are further threatned, as by your Sacred Majesty was intimated unto us, even to the utter destruction and subversion of this Church and State, and which our sins have justly deserved; and being now by your Majesties gracious favour assembled in Parliament, as the great Council of this your Kingdom, to consult of such means as we think fittest to redress the present, and prevent the future evils, wherein we, through Gods blessing, intend to employ our utmost endeavours, humbly beseech your Majesty, that by your special Command, one or more days may be forthwith solemnly set apart, wherein both our selves and the whole Kingdom may, by fasting and prayers, seek reconciliation at the hands of Almighty God, and with humble and penitent hearts beseech him to remove those miseries that lie upon us and our neighbour Churches, to avert those which are threatned, to continue the favours we yet enjoy, and particularly to bestow his abundant blessings upon your Majesty and this present Parliament, so that all our Counsels and Resolutions being blest-

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sed

ſed by his Divine aſſiſtance, may produce much honor and ſafety to your Majeſty, your People and Allies.

Debates touching Grievances.

Saturday the 22 of *March* was ſpent in opening the grievances and ſtate of the Kingdom, as billeting of Soldiers, Loans by Benevolences and Privy-Seal, and the impriſoning certain Gentlemen who refuſed to lend upon that account, who afterwards bringing their *Habeas Corpus* were notwithſtanding remanded to priſon; nor did the Houſe encline to ſupply his Majeſty till theſe Grievances were redreſſed: To which purpoſe Sir *Francis Seimour* thus began;

Sir *Francis Seimour.*

'This is the great Council of the Kingdom, and here (if not here 'alone) his Majeſty may ſee as in a true glaſs the ſtate of the Kingdom; 'we are called hither by his Majeſties Writs to give him faithful counſel 'ſuch as may ſtand with his honor; but this we muſt do without flatte- 'ry: we are ſent hither by the Commons to diſcharge that truſt repoſed 'in us, by delivering up their juſt grievances, and this we muſt do with- 'out fear: let us not therefore be like *Cambyſes* Judges, who being de- 'manded of their King whether it were not lawful for him to do what 'in it ſelf was unlawful; They (rather to pleaſe the King, then to diſ- 'charge their own conſciences) anſwered, that the Perſian Kings might 'do what they liſted: This baſe flattery tends to miſchief, being fitter 'for reproof then imitation; and as flattery ſo fear taketh away the 'judgment, let us not then be poſſeſſed with fear or flattery, of corrupti- 'ons the baſeſt: For my own part I ſhall ſhun both theſe, and ſpeak my 'conſcience with as much duty to his Majeſty as any man, but not neg- 'lecting the Publick, in which his Majeſty and the Common-wealth have 'an Intereſt: But how can we ſhew our affections whilſt we retain our 'fears? Or how can we think of giving of Subſidies, till we know whe- 'ther we have any thing to give or no? For if his Majeſty be perſwaded 'by any to take from his Subjects what he will, and where it pleaſeth him; 'I would gladly know what we have to give? Its true, it is ill with thoſe 'Subjects that ſhall give Laws to their Princes, and as ill with thoſe Prin- 'ces which ſhall uſe force with thoſe Laws; that this hath been done, ap- 'peareth by the billeting of Soldiers, a thing no way advantagious to his 'Majeſties ſervice, but a burthen to the Common-wealth; This alſo ap- 'peareth by the laſt Levy of Money againſt an Act of Parliament. Again, 'Mr. *Speaker*, what greater proof can there be of this, then the impriſon- 'ment of divers Gentlemen for the Loan, who if they had done the con- 'trary for fear, their fault had been as great as theirs that were the pro- 'jectors in it; and to countenance theſe Proceedings, hath it not been 'preached (or rather prated) in our Pulpits, that all we have is the Kings '*Jure Divino* ſay theſe time-ſervers; they forſake their own function, 'and turn ignorant States-men; we ſee how willing they will be to 'change a good conſcience for a Biſhoprick, and (Mr. *Speaker*) we ſee 'how eaſie it is for a Prince, how juſt and good ſoever, to be abuſed, in 'regard he muſt ſee with other mens eyes, and hear with other mens ears. 'Let us not flatter his Majeſty, it is too apparent to all the world, the King 'and People ſuffer more now then ever: His Majeſty in his Affairs abroad, 'and his People in their Eſtates at home: But will you know the reaſon 'of all this, let us look back to the Actions of former Princes, and we 'ſhall find that thoſe Princes have been in greateſt want and extremity 'that exacted moſt of their Subjects, and moſt unfortunate in the choice 'of their Miniſters, and to have failed moſt in their undertakings; hap-

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'py is that Prince that hath thoſe that are faithful of his Council: That 'which his Majeſty wanted in the management of his Affairs concerning 'France and Spain, I am clear was his want of faithful Council to adviſe, 'The reaſon is plain, a Prince is ſtrongeſt by faithful and wiſe Council, 'I would I could truly ſay, ſuch have been imployed abroad. I will con- 'feſs, and ſtill ſhall from my heart, he is no good Subject, nor well af- 'fected to his Majeſty and the State, that will not willingly and freely A. 'lay down his life, when the end may be the ſervice of his Majeſty, and 'the good of the Common-weal: But on the contrary, when againſt a 'Parliament-Law, the Subject ſhall have taken from him his Goods 'againſt his will, and his Liberty againſt the Laws of the Land: ſhall it 'be accounted want of duty in us to ſtand upon our Priveledges, here- 'ditary to us, and confirmed by ſo many Acts of Parliament?

'In doing this we ſhall but tread the ſteps of our forefathers, who 'ever preferred the publick Interreſt before their own right, nay, be- B. 'fore their own lives; nor can it be any wrong to his Majeſty to ſtand 'upon them ſo as thereby we may be the better enabled to do his Maje- 'ſties ſervice; but it will be a wrong to us and our poſterity and our 'conſciences, if we willingly forego that which belongs unto us by the 'Law of God, and of the Land, and this we ſhall do well to preſent to 'his Majeſty; we have no cauſe to doubt of his Majeſties gracious ac- 'ceptation.

'This debate (ſaid Sir *Th. Wentworth*) carries a double Aſpect towards C. 'the Sovereign and the Subject, though both be innocent, both are inju- 'red and both to be cured. Surely in the greateſt humility I ſpeak it, 'theſe illegal ways are puniſhment and marks of indignation, the raiſing 'of Loans ſtrengthned by Commiſſion, with unheard of Inſtructions 'and Oaths; the billetting of Soldiers by the Lieutenants, and Deputy 'Lieutenants, have been as if they could have perſwaded Chriſtian Prin- 'ces, yea worlds, that the right of Empires, had been to take away by 'ſtrong hands, and they have endeavored as far as poſſible for them, to 'do it. This hath not been done by the King (under the pleaſing ſhade D. 'of whoſe Crown I hope we ſhall ever gather the fruits of Juſtice) but 'by Projectors, who have extended the Prerogative of the King, beyond 'the juſt Symetry, which maketh a ſweet harmony of the whole: They 'have brought the Crown into greater want then ever, by anticipating 'the Revenews; And can the Shepherd be thus ſmitten and the ſheep 'not ſcattered? They have introduced a Privy-Council raviſhing at 'once the Spheres of all ancient Government, impriſoning us without 'either bail or bond; they have taken from us, what? What ſhall I ſay E. 'indeed, what have they left us? All means of ſupplying the King and 'ingratiating our ſelves with him, taking up the root of all propriety, 'which if it be not ſeaſonably ſet again into the ground by his Majeſties 'own hands, we ſhall have inſtead of beauty, baldneſs. To the making 'of thoſe whole, I ſhall apply my ſelf, and propound a Remedy to all 'theſe diſeaſes. By one and the ſame thing have King and People been 'hurt, and by the ſame muſt they be cured; to vindicate, what, new 'things? No, our antient vital Liberties, by reinforcing the ancient F. 'Laws made by our Anceſtors, by ſetting forth ſuch a Character of 'them, as no licentious ſpirit ſhall dare to enter upon them; and ſhall 'we think this is a way to break a Parliament? No, our deſires are mo- 'deſt and juſt, I ſpeak truly, both for the intereſt of King and People; if 'we enjoy not theſe, it will be impoſſible for us to relieve him.

Therefore

3 Caroli.

'Therefore let us never fear they ſhall not be accepted by his good-
'neſs; wherefore I ſhall ſhortly deſcend to my motions, conſiſting of four
'parts, two of which have relation to our Perſons, two to the propriety
'of Goods for our Perſons; Firſt, the freedom of them from impriſon-
'ment. Secondly, from employment abroad, contrary to the antient Cu-
'ſtoms: For our Goods, that no Levies be made, but by Parliament. Se-
'condly, no billeting of Soldiers. It is moſt neceſſary that theſe be re-
A 'ſolved, that the Subject may be ſecured in both.

Sir *Benjamin Rudyard* ſtands up as a Moderator, and ſpake thus:

Sir *Benjamin Rudyard* acts the part of a Moderator.

'This is the Criſis of Parliaments; we ſhall know by this if Parlia-
'ments live or die, the King will be valued by the ſucceſs of us, the Coun-
'ſels of this Houſe will have operations in all, 'tis fit we be wiſe, his Maje-
'ſty begins to us with affection, proclaiming, that he will rely on his Peo-
'ples love. Preſervation is natural, we are not now on the *bene eſſe*, but
'on the *eſſe*; be ſure *England* is ours, and then prune it. Is it no ſmall
B 'matter that we have provoked two moſt Potent Kings? We have uni-
'ted them, and have betrayed our ſelves more than our Enemies could.
'Men and Brethren, what ſhall we do? Is there no Balm in *Gilead?* If the
'King draw one way, the Parliament another, we muſt all ſink. I reſpect
'no particular, I am not ſo wiſe to contemn what is determined by the ma-
'jor part, one day tells another, and one Parliament inſtructs another. I
'deſire this Houſe to avoid all conteſtations, the hearts of Kings are great,
''tis comely that Kings have the better of their Subjects. Give the King
C 'leave to come off, I believe his Majeſty expects but the occaſion. 'Tis
'lawful, and our duty, to adviſe his Majeſty, but the way is to take a right
'courſe to attain the right end; which I think may be thus: By truſting
'the King, and to breed a truſt in him, by giving him a large Supply ac-
'cording to his wants, by proſtrating our Grievances humbly at his feet,
'from thence they will have the beſt way to his heart, that is done in du-
'ty to his Majeſty. And to ſay all at once, Let us all labour to get the
'King on our ſide, and this may be no hard matter, conſidering the near
D 'ſubſiſtence between the King and People.

Sir *Edward Cook* ſpake next.

Sir *Edward Cook.*

'*Dum tempus habemus bonum operemur.* I am abſolutely to give Supply
'to his Majeſty; yet with ſome caution. To tell you of Foreign dangers
'and inbred evils, I will not do it; the State is inclining to a Conſumpti-
'on, yet not incurable; I fear not Foreign Enemies, God ſend us peace at
'home: For this diſeaſe I will propound remedies, I will ſeek nothing out
'of mine own head, but from my heart, and out of Acts of Parliament. I
E 'am not able to fly at all Grievances, but only at Loans. Let us not flatter
'our ſelves; who will give Subſidies, if the King may impoſe what he
'will? And if, after Parliament, the King may inhaunce what he pleaſeth?
'I know the King will not do it, I know he is a Religious King, free from
'perſonal vices; but he deals with other mens hands, and ſees with other
'mens eyes. Will any give a Subſidy that will be taxed after Parliament
'at pleaſure? The King cannot tax any by way of Loans, I differ from
'them, who would have this of *Loans* go amongſt Grievances, but I would
F 'have it go *alone.*

'I'll begin with a noble Record, it cheers me to think of it, 25 *E.* 3. It
'is worthy to be written in letters of gold; Loans againſt the will of the
'Subject, are againſt Reaſon, and the Franchiſes of the Land, and they de-
'ſire reſtitution: What a word is that Franchiſe? The Lord may tax his
'Villain high or low, but it is againſt the Franchiſes of the Land, for free-

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'men to be taxed by their conſent in Parliament; Franchiſe is a French 'word, and in Latine it is *Libertas*. In *Magna Charta* it is provided, that, '*Nullus liber homo capiatur vel impriſonetur aut diſſeiſietur de libero tene-* '*mento ſuo*, &c. *niſi per legale judicium parium ſuorum vel per legem terræ*; 'Which Charter hath been confirmed by good Kings above thirty times.

When theſe Gentlemen had ſpoken, Sir *John Cook*, Secretary of State, took up the matter for the King, and concluded for redreſs of Grievances, ſo that Supplies take the precedency; and ſaid: A

Mr. Secretary *Cook*.

'I had rather you would hear any than me; I will not anſwer what 'hath been already ſpoken; my intent is not to ſtir, but to quiet; not to 'provoke, but to appeaſe: My deſire is, that every one reſort to his own 'heart to reunite the King and the State, and to take away the ſcandal 'from us; every one ſpeaks from the abundance of his heart: I do con- 'clude out of every ones Concluſion, to give to the King, to redreſs Grie- 'vances; all the difference is about the manner; we are all Inhabitants in 'one Houſe, the Commonwealth, let every one in ſomewhat amend his B. 'Houſe, ſomewhat is amiſs: but if all the Houſe be on fire, will we then 'think of mending what is amiſs? Will you not rather quench the fire? 'The danger all apprehend. The way that is propounded, I ſeek not to 'decline, illegal courſes have been taken, it muſt be confeſſed, the redreſs 'muſt be by Laws and Puniſhment: but withal, add the Law of *Neceſ-* '*ſity*; Neceſſity hath no Law, you muſt abilitate the State to do, what 'you do by Petition require. It is wiſhed we begin with Grievances, 'I deny not that we prepare them, but ſhall we offer them firſt? Will C 'not this ſeem a Condition with his Majeſty? Do we not deal with a 'wiſe King, jealous of his Honour? All Subſidies cannot advantage his 'Majeſty ſo much, as that his Subjects do agree to ſupply him; this will 'amaze the Enemy more than ten Subſidies: Begin therefore with the 'King, and not with our ſelves.

Sir *Robert Philips*.

'This days debate (ſaid Sir *Robert Philips*) makes me call to mind the 'cuſtom of the *Romans*, who had a ſolemn Feaſt once a year for their 'Slaves, at which time they had liberty (without exception) to ſpeak D 'what they would, whereby to eaſe their afflicted minds, which being 'finiſhed, they ſeverally returned to their former ſervitude. This may, 'with ſome reſemblance and diſtinction, well ſet forth our preſent ſtate; 'where now, after the revolution of ſome time, and grievous ſufferings 'of many violent oppreſſions, we have (as thoſe Slaves had) a day of li- 'berty of ſpeech; but ſhall not, I truſt, be herein Slaves, for we are free, 'we are not Bond-men, but Subjects; theſe, after their Feaſts were Slaves 'again; but it is our hope to return Free-men. I am glad to ſee this mor- E 'nings work, to ſee ſuch a ſenſe of the Grievances under which we groan. 'I ſee a concurrence of grief from all parts, to ſee the Subject wronged, 'and a fit way to ſee the Subject righted: I expected to ſee a diviſion, 'but I ſee an honourable conjuction, & I take it a good Omen. It was wiſh- 'ed by one, that there were a forgetfulneſs of all; let him not proſper 'that wiſheth it not. No, there is no ſuch ways to perfect remedy, as to 'forget injuries, but not ſo to forget, as not to recover them. It was 'uſual in *Rome* to bury all injuries, on purpoſe to recover them. It was F 'ſaid by a Gentleman, that ever ſpeaks freely, *We muſt ſo govern our ſelves,* '*as if this Parliament muſt be the Cryſis of all Parliaments, and this is the* 'laſt. I hope well, and there will be no cauſe for the King, our Head, to 'except againſt us, or we againſt him. The dangers abroad are preſented 'to us, he is no Engliſh-man that is not apprehenſive of them.

'We

3 *Caroli.*

'We have provoked two potent Kings (the one too near) who are too 'ſtrongly joined together; the dangers are not Chimerical, but real, I ac- 'knowledge it, but it muſt be done in proportion of our dangers at home; 'I more fear the violation of Publick Rights at home, than a Foreign Ene- 'my. Muſt it be our duties and directions to defend Foreign dangers, and 'eſtabliſh ſecurity againſt them, and ſhall we not look at that which ſhall 'make us able and willing thereunto? We ſhall not omit to confide and A 'truſt his Majeſty, otherwiſe our Counſels will be with fears, and that be- 'comes not Engliſhmen. The unaccuſtomed violences (I have nothing but 'a good meaning) trench into all we have. To the four particulars already 'mentioned, wherein we ſuffer, one more may be added, leſt God forbear 'to hear me in the day of my trouble; our Religion is made vendible by 'Commiſſions: Alas! now a toleration is granted (little leſs) and men for 'pecuniary annual rates diſpenſed withal, whereby Papiſts without fear 'of Law, practiſe Idolatry, and ſcoff at Parliaments, at Laws, and all. It B 'is well known, the people of this State are under no other Subjection, 'than what they did voluntarily conſent unto, by the original contract 'between King and people; and as there are many Prerogatives and Pri- 'viledges conferred on the King, ſo there are left to the Subject many ne- 'ceſſary Liberties and Priviledges, as appears by the common Laws and 'Acts of Parliaments, notwithſtanding what theſe two * *Sycophants* have * *Sibthorp* and *Manwaring.* 'prated in the Pulpit to the contrary. Was there ever yet King of *Eng-* 'land that directly violated the Subjects Liberty and Property, but their C 'actions were ever complained of in Parliament, and no ſooner complain- 'ed of, than redreſſed? 21 *E.*3. there went out a Commiſſion to raiſe 'money in a ſtrange manner; the ſucceeding Parliament prayed redreſs, 'and, till *H.*8. we never heard of the ſaid Commiſſions again.

'Another way was by Loan, a Worm that canker'd the Law, the Par- 'liament did redreſs it, and that mony was paid again. The next little En- 'gine was *Benevolence*; what the force of that was, look into the Statute 'of *R.*3. which damned that particular way, and all other indirect ways.

D 'Since the Right of the Subject is thus bulwarkt by the Law of the 'Kingdom, and Princes upon complaint have redreſſed them, I am confi- 'dent we ſhall have the like cauſe of joy from his Majeſty.

'I will here make a little digreſſion: The * County I ſerve for were *Somerſet- 'pleaſed to command me to ſeek the removal from them of the greateſt ſhire. 'burthen that ever people ſuffered. It was excellently ſaid, Commiſſionary 'Lieutenants do deprive us of all Liberty; if ever the like was ſeen of the 'Lieutenancy that now is, I will never be believed more: They tell the E 'people, they muſt pay ſo much upon Warrant from a Deputy-Lieute- 'nant, or be bound to the good behaviour, and ſent up to the Lords of the 'Council; it is the ſtrangeſt Engine to rend the Liberty of the Subject that 'ever was; there was now a *Decemviri* in every County, and amongſt that 'Decemviri, there is ſome *Claudius Apius* that ſeek their own revenges; 'We complain of Loans and Impoſitions, but when Deputy-Lieutenants 'may ſend Warrants to impriſon our perſons at pleaſure, if we pay not what 'they ſent for, it concerns us to preſerve the Country in freedom, and to F 'conſider of this kind of people. There is now *Neceſſity* brought in for an 'argument, all know that *Neceſſity* is an armed man, and that *Neceſſity* is an 'evil Counſeller, I would we had never known that Council; we are almoſt 'grown like the *Turks*, who ſend their *Janizaries*, who place the Halberd 'at the door, and there he is Maſter of the houſe. We have Soldiers billet- 'ted, and Warrants to collect mony, which if they do not, the Soldiers muſt

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'come and rifle. The *Romans* ſending one into *Spain* found no greater 'complaint, than the diſcontent that did ariſe from Soldiers placed 'amongſt them. I would you would look into *Forteſcue*, where he puts 'the Prince in mind, what miſery he ſaw, where Soldiers were put upon 'the people: But, ſaith he, no man is forced to take Soldiers but Inns, 'and they to be paid by them; I deſire we reſort to his Majeſty for re- 'dreſs, and to reduce all into bounds.

'The other way of Grievance is a Judgment in a legal courſe of pro- A 'ceeding; we have had three Judgments of late times, all exceeding one 'another in prejudice of the Subject: The firſt was, That that was judg- * Scots. 'ed in all formality, the * *Poſtnati* Caſe, which People I honour; for we 'find many of them love us more than we do our ſelves; I do not com- 'plain of it, but only mention it.

'The other Judgment was for Impoſitions, which was given in the Ex- 'chequer, and this Houſe two times after damned that Judgment: How 'remiſs our eyes are upon that, I grieve to ſee. B

'There is a Judgment, if I may ſo call it, a fatal Judgment againſt the 'Liberty of the Subject, *Mic.* 3 *Car.* in Sir *John Heveningham*'s Caſe, ar- 'gued at the Bar, and pronounced but by one alone; I can live, although 'another without Title be put to live with me; nay, I can live, although 'I pay Exciſes and Impoſitions for more than I do; but to have my liber- 'ty, which is the ſoul of my life, taken from me by power, and to be pent 'up in a Gaol without remedy by Law, and this to be ſo adjudged to pe- 'riſh in Gaol; O improvident Anceſtors! Oh unwiſe Forefathers! To be C 'ſo curious in providing for the quiet poſſeſſion of our Lands and Liber- 'ties of Parliament, and to neglect our Perſons and Bodies, and to let 'them die in priſon, and that *durante beneplacito*, remedileſs: If this be 'Law, what do we talk of our Liberties? Why do we trouble our ſelves 'with the diſpute of Law, Franchiſes, Propriety of Goods? It is the *ſum-* 'ma totalis of all miſeries; I will not ſay it was erroneous, but I hope we 'ſhall ſpeak our minds, when that Judgment comes here to be debated.

'What may a man call this? If not Liberty; having paſſed in ſome con- D 'fuſion in the faſhion of my delivery. I conclude: We will conſider two 'particulars, his Majeſty, and his People: His Majeſty calls to us, and craves 'our aſſiſtance to revive again his Honour, and the Honour of the Nation: 'The People ſends us, as we hope, with that direction, that we ſhall return 'to them with that Olive-branch, that aſſurance of being free from thoſe 'calamities, under which they can hardly breath. Our ſins have brought 'on us thoſe miſeries, let us all bring our Portion to make up the wall: we 'come with Loyal hearts; his Majeſty ſhall find, that it is we that are his E 'faithful Counſellors; let all Sycophants be far removed from his Majeſty, 'ſince we cannot help his Majeſty without opening our Grievances; let 'us diſcharge our duties therein; yet while we ſeek Liberty, we will not 'forget Subjection; all things a State can be capable of, either bleſſings or 'puniſhments, depend on this meeting; if any think the King may be ſup- 'plied, and the Commonwealth preſerved without redreſs of Grievances, 'he is deceived. The Kings of *England* were never more glorious than 'when they truſted their Subjects; let us make all haſt to do the Errand F 'for which we came; let the Houſe conſider to prepare our Grievances fit 'for his Majeſty's view, not to make a Law to give us new Liberties, but 'Declaratory, with reſpective Penalties; ſo that thoſe which violate them, 'if they would be vile, they ſhould fear infamy with men; and then we ſhall 'think of ſuch a Supply as never Prince received, and with our monies

'we

3 *Caroli.*

'we ſhall give him our hearts, and give him a new people rais'd from the 'dead: Then I hope this Parliament will be entituled, The Parliament 'of wonders, and Gods judgment diverted, and theſe beams of goodneſs 'ſhall give us life, and we ſhall go home to our own Countries, and leave 'our Poſterities as free as our Anceſtors left us.

But this day, as alſo the two next days Debate, produced no Reſolutions, the time being ſpent in a general opening of Grievances from all
A parts of the Kingdom.

Monday 24 *March*, Secretary *Cook* renewed the motion of Supplies for his Majeſty, yet ſo, that Grievances be likewiſe taken into conſideration.

Secretary *Cook* moves for Supply for his Majeſty.

'We all think fit (ſaid he) that both theſe go hand in hand together; 'but let me put you in mind of that which concerns the King, let him have 'the precedency of honour, if not of time; let the heads of the Kings 'Supply firſt be propounded, this will be an honour to the King, and will 'do ſervice to the Houſe; the end of this Parliament is the ſubſiſtence of
B 'the King, as he himſelf hath declared, and ſuch a Command is not to be 'ſlighted; the King himſelf propounded it, and then he will agree with 'us in other requeſts that are fit for a King to give; we that have the 'happineſs to attend his Majeſty, can tell you, that no King is more rea- 'dy to hear the complaints of his Subjects, and withal you know no King 'is more ſenſible of all reproaches which touch his Honour.

'Will it not be fit to grant him this Honour, to have the Precedency? 'It was the ſpeech of an antient Parliament man, Let us deal gently with
C 'our King; by theſe Laws that we make, we do bind our ſelves, and it is an 'addition of his power: None that dies, but leaves his Heir to the favour 'of the King; none that lives, but needs the favour of the King: we ha- 'ving made our firſt union with God, it is next intended, that we be at 'one with our King: Is it not fit we be at peace with our head? His Ma- 'jeſty deſires it, and expects it. After this unity with our Head, there is 'conſideration to be had of unity with our ſelves; after this, we ſhall 'be all knit in one body, we ſhall all pronounce clearly *Shiboleth*, and we
D 'ſhall conſider of the grievances and irregularities of the times, which 'none deſires to be reform'd more than his Majeſty, and thoſe whom you 'think moſt averſe: Let us take the beſt way for Reformation: And 'will not this be a happy union, if the whole Body concur to reduce all 'into regularity? If Laws be our Birth-rights, we ſhall hereby recover 'them and their ſplendor; this will have good aſpect abroad, and it will 'give courage to our men that have been deſpiſed, and will prevent pra- 'ctiſes to continue diviſions amongſt us, both at home and abroad. The
E 'firſt ſower of ſeeds of diſtractions amongſt us, was an Agent of *Spain*, '*Gondomar*, that did his Maſter great ſervice here and at home.

'Since that we have had other Miniſters that have blown the fire: The 'Ambaſſador of *France* told his Maſter at home, what he had wrought here 'the laſt Parliament, namely, diviſions between King and People, and he 'was rewarded for it. Whilſt we ſit here in Parliament, there was another 'intended Parliament of * Jeſuites, and other well-willers, within a mile * In *clerken-well.*
'of this place; that this is true, was diſcovered by Letters ſent to *Rome*:
F. 'the place of their meeting is changed, and ſome of them are there where 'they ought to be; if you look in your Kalendar, there is a day of *S. Jo- 'ſeph*, it was called in the Letter the Oriental day, and that was the day 'intended for their meeting. I ſpeak this, to ſee Gods hand to work our 'union in their diviſion; they are not more rent from us, than they are 'from themſelves. I deſire the meaneſt judgment to conſider what may

'follow

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'follow by giving precedency to his Majeſty, and by ſo doing we ſhall 'put from our ſelves many imputations. If we give any occaſion of 'breach, it is a great diſadventage; if otherwiſe, it is an obligation to 'his Majeſty, which his Majeſty will not forget.

Then he made a motion, That the ſame Committee may hear Propoſitions of general heads of Supply, and afterward go to other buſineſſes of the day for Grievances. Others preferred the conſideration of Grievances, as a particular root that invade the main Liberty of the Subject. It is the Law (ſaid they) that glorious fundamental Right, whereby we have power to give; we deſire but that his Majeſty may ſee us have that right therein, which, next to God, we all deſire; and then we doubt not, but we ſhall give his Majeſty all ſupply we can. The time was, when it was uſual to deſire favours for ſowing diſcords, as *Gondomar* did for *Rawley*'s head. But the debates of this day came to no Reſolution.

Thurſday, March 15. Mr. Secretary *Cook* tenders Propoſitions touching Supply.

The day following, Mr. Secretary *Cook* tender'd the Houſe certain Propoſitions from the King, touching Supply; and told them, That his Majeſty finding time precious, expects that they ſhould begin ſpeedily, leſt they ſpend that time in deliberation, which ſhould be ſpent in action; that he eſteems the Grievances of the Houſe his own, and ſtands not on Precedence in point of Honour. Therefore to ſatisfie his Majeſty, let the ſame Committee take his Majeſty's Propoſitions into conſideration, and let both concur, whether to ſit on one in the forenoon, or the other in the afternoon, it is all one to his Majeſty.

The Houſe turned into a Committee.

Hereupon the Houſe turned themſelves into a Committee, and commanded *Edward Littleton* Eſq; unto the Chair, and ordered the Committed to take into conſideration the Liberty of the Subject, in his Perſon, and in his Goods; and alſo to take into conſideration his Majeſty's Supply. In this Debate, the Grievances were reduced to ſix Heads, as to our Perſons.

1. Attendance at the Council-board.
2. Impriſonment.
3. Confinement.
4. Deſignation for Foreign Imployment.
5. Martial Law.
6. Undue Proceedings in matter of Judicature:

Habeas Corpus and the Liberty of the Subject debated.

The firſt matter debated, was the Subjects Liberty in his Perſon; the particular inſtance was in the caſe of Sir *John Heveningham*, and thoſe other Gentlemen who were impriſoned about Loan-mony, and thereupon had brought their *Habeas Corpus*, had their Caſe argued, and were nevertheleſs remanded to Priſon, and a Judgment, as it was then ſaid, was entred. Whereupon Mr. *Creſwel*, of *Lincolns-Inn*, ſpake to this purpoſe.

Mr. *Creſwel.*

'Juſtice (ſaid he) is the Life and the Heart-blood of the Common-'wealth: and if the Common-wealth bleed in the Maſter-vein, all the 'Balm in *Gilead* is but in vain to preſerve this our Body of Policy from 'ruine and deſtruction. Juſtice is both *Columna & Corona Reipublicæ*; ſhe 'is both the Column and the Pillar, the Crown and the Glory of the 'Common-wealth; this is made good in Scripture by the judgment of '*Solomon*, the wiſeſt King that ever reigned upon Earth. For firſt, ſhe is 'the Pillar; for he ſaith, *By Juſtice the Throne ſhall be eſtabliſhed.* Secondly, 'ſhe is the Crown; for he ſaith, *That by Juſtice a Nation ſhall be exalted.*

'Our Laws, which are the rules of this Juſtice, they are the *ne plus ultra* 'to both the King and the Subject; and as they are the *Hercules* Pillar, 'ſo they are the Pillar to every *Hercules*, to every Prince, which he muſt 'not paſs.

Give

3 *Caroli.*

'Give me leave to reſemble her to *Nebuchadnezzar's* Tree, for ſhe is 'ſo great, that ſhe doth ſhade not only the Palace of the King, and the 'Houſe of Nobles, but doth alſo ſhelter the cottages of the pooreſt begger.

'Wherefore, if either now the blaſts of indignation, or the unreſiſtable 'violator of Laws, *Neceſſity*, hath ſo bruiſed any of the Branches of this 'Tree, that either our Perſons, or Goods, or Poſſeſſions, have not the 'ſame ſhelter as before; yet let us not therefore neglect the root of this A 'great Tree, but water it with our Tears, that ſo theſe bruiſed Branches 'may be recovered, and the whole Tree again proſper and flouriſh. I know 'well, that *Cor Regis inſcrutabile*; and that Kings, although they are but 'men before God, yet they are gods before men. And therefore to my 'gracious and dread Sovereign (whoſe virtues are true qualities, ingene-'rate both in his judgment and nature) let my arm be cut off; nay, let my 'ſoul not live that day, that I ſhall dare to lift up my arm to touch that 'forbidden Fruit, thoſe Flowers of his Princely Crown and Diadem.

B 'But yet in our *Eden*, in this Garden of the Common-wealth, as there 'are the Flowers of the Sun, which are ſo glorious, that they are to be 'handled only by Royal Majeſty; ſo are there alſo ſome Daiſies, and 'wholſom Herbs, which every common hand, that lives and labours in 'this Garden, may pick and gather up, and take comfort and repoſe in 'them: Amongſt all which, this *Oculus Dei*, this *Bona libertas*, is one, and 'the chief one. I will now deſcend to the Queſtion, wherein I hold, with 'all dutiful ſubmiſſion to better judgments, that theſe acts of Power, in C 'impriſoning and confining of his Majeſty's Subjects in ſuch manner, with-'out any declaration of the Cauſe, are againſt the Fundamental Laws and 'Liberties of this Kingdom.

'The firſt, from the great favour which the Law doth give unto, and 'the great care which it hath ever taken of the liberty and ſafety of 'this Kingdom.

'To proceed therefore in maintenance of my firſt reaſons; I find our law D 'doth ſo much favour the Subjects liberty of his perſon, that the body of a 'man was not liable to be arreſted or impriſoned for any other cauſe at the 'Common-Law, but for force, and things done againſt the Peace: For the 'Common-Law (being the preſerver of the Land) ſo abhorreth force, that 'thoſe that commit it, ſhe accounteth her capital Enemies, and therefore 'did ſubject their Bodies to impriſonment. But by the Statute of *Marl-'bridge*, *c.*24. which was made 35 *H.*3. who was the eighth King from the 'Conqueſt, becauſe Bailiffs would not render accompts to their Lords, it 'was enacted, that their Bodies ſhould be attached. And after by the Stat. E '23 *E.*3.17. who was the eleventh King after the Conqueſt, becauſe men 'made no conſcience to pay their Debts, it was enacted, That their Bo-'dies ſhould likewiſe be attached. But before thoſe Statutes, no mans Bo-'dy was ſubject to be taken or impriſoned, otherwiſe than as aforeſaid; 'whereby it is evident, how much the Common-Law favoured the Li-'berty of the Subject, and protected his Body from impriſonment.

Here he enforced the Reaſon by a Rule in Law, and mentioned ſome Caſes in Law upon that Rule, and ſo proceeded to a ſecond Reaſon, F drawn by an Argument *a majori ad minus.*

'I frame it thus (ſaid he) If the King have no abſolute power over our 'Lands or Goods, then *a fortiori*, not over our Perſons, to impriſon them, 'without declaring the Cauſe; for our Perſons are much more worth than 'either Lands or Goods; which is proved by what I have ſaid already: 'And Chriſt himſelf makes it clear, where he ſaith, *An non eſt corpus ſupra veſtimentum?*

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'veſtimentum? Is not the Body of more worth than the Raiment? Nay, I 'may well ſay, that almoſt every leaf and page of all the Volums of our 'Common-Law prove this right of Propriety, this diſtinction of *meum* and 'tuum, as well between King and Subject, as one Subject and another: 'And therefore my Concluſion follows, that if the Prerogative extend 'not neither to Lands nor to goods, then *a fortiori*, not to the Perſon, 'which is more worth than either Lands or Goods, as I ſaid. And yet I A 'agree, that by the very Law of Nature, ſervice of the Perſon of the 'Subject is due to his Sovereign; but this muſt be in ſuch things which 'are not againſt the Law of Nature; but to have the Body impriſoned 'without any cauſe declared, and ſo to become in bondage, I am ſure is 'contrary unto, and againſt the Law of Nature, and therefore not to be 'enforced by the Sovereign upon his Subjects.

3. 'My next Reaſon is drawn *ab inutili & incommodo*; for the Statute 'de frangentibus priſonam, made 1 E. 2. is, *Quod nullus qui priſonam fregerit* B 'ſubeat judicium vitæ vel membrorum pro fractione priſonæ tantum niſi cauſa 'pro qua captus impriſonetur tale judicium requirat. Whence this concluſion 'is clearly gathered, That if a man be committed to priſom without decla- 'ring what cauſe; and then if either malefactor do break the priſon, or 'the Gaoler ſuffer him to eſcape, albeit the Priſoner ſo eſcaping had 'committed *crimen læſæ Majeſtatis*; yet neither the Gaoler, nor any other 'that procured his eſcape, by the Law ſuffer any corporal puniſhment for 'ſetting him at large; which if admitted, might prove in conſequence a C 'matter of great danger to the Common-wealth.

4. 'My next Reaſon is drawn *a Regis honore*, from that great Honor 'the Law doth attribute unto Sovereign Majeſty; and therefore the rule 'of Law is, that *Solum Rex hoc non poteſt facere, quod non poteſt juſte agere.* 'And *Huſſey* Chief Juſtice, 1 *H.* 7. ſaith, that Sir *John Markham* told King 'E. 4. He could not arreſt a man either for Treaſon or Felony, as a Sub- 'ject might, becauſe that if the King did wrong, the Party could not have 'an Action againſt him; and if the Kings Writ, under his Great Seal, can- 'not impriſon the Subject, unleſs it contains the cauſe; ſhall then the D 'Kings Warrant otherwiſe do it, without containing the cauſe? That his 'Judge upon the Return thereof, may likewiſe judge of the ſame.

'But I will conclude with that which I find reported of Sir *Joh. Davis*, 'who was the Kings Serjeant, and ſo, by the duty of his Place, would no 'doubt maintain, to his uttermoſt, the Prerogatives of the King his Royal 'Maſter: And yet it was by him thus ſaid in thoſe Reports of his, upon 'the Caſe of Taviſtry-Cuſtoms, That the Kings of *England* always have 'had a Monarchy Royal, and not a Monarchy Seignoral: where, under E 'the firſt, ſaith he, *The Subjects are Free-men, and have Propriety in their* 'Goods and Free-hold, and Inheritance in their Lands: but under the latter, 'they are as Villains and Slaves, and have propriety in nothing. And there- 'fore, ſaid he, *When a Royal Monarch makes a new Conqueſt, yet if he receives* 'any of the Nations antient Inhabitants into his protection, they and their heirs 'after them ſhall enjoy their Lands and Liberties according to the Law. And 'there he vouched this Preſident and Judgment following, given before 'William the Conqueror, *viz. That one* Sherborn, *a* Saxon, *at the time of the* F 'Conqueſt, *being owner of a Caſtle and Lands in* Norfolk, *the Conqueror gave* 'the ſame to one Warren, *a* Norman; *and* Sherborn *dying, the heir claming* 'the ſame by deſcent, *according to the Law; it was before the Conqueror him-* 'ſelf adjudged for the heir, and that the gift thereof by the Conqueror was void.

Upon this and other Arguments made in this Caſe of the *Habeas Corpus*, the

3 *Caroli.*

the Houſe referred the whole buſineſs to a Committee, to examine all the Proceedings: concerning which, Mr. *Selden* afterwards made report to the Houſe, That Mr. *Waterhouſe*, a Clerk in the Crown-Office, being examined before the Committee, did confeſs, That by direction from Sir *Robert Heath*, the King's Attorney-General, he did write the draught of a Judgment in the Caſe before mention'd, which was delivered to Mr. Attorney. And Mr. *Keeling* being examined before the Committee, did confeſs, That after *Mich.* Term laſt, the Attorney-General wiſhed him to make a ſpecial Entry of the *Habeas Corpus*: To which he anſwered, He knew no ſpecial Entry in thoſe Caſes, but only a *Remittitur*: But ſaid to Mr. Attorney, That if he pleaſed to draw one, and the Court afterwards aſſent to it, he would then enter it. The Attorney did accordingly make a draught, and the Copy thereof Mr. *Keeling* produced to the Committee. And further ſaid, That he carried this Draught to the Judges, but they would not aſſent to a ſpecial Entry: Nevertheleſs, the Att. General divers times ſent to him, and told him there was no remedy, but he muſt enter it. Yet a week before the Parliament, the Att. General called for the draught again, which accordingly he gave unto him, and never heard of it more.

Sir *Robert Philips*, upon this Report, gave his opinion, 'That this intended Judgment in the *Habeas Corpus*, was a draught made by ſome man 'that deſired to ſtrike us all from Liberties: But the Judges juſtly refuſed 'it; but if the Judges did intend it, we ſit not here (ſaid he) to anſwer the truſt we are ſent for, if we preſent not this matter to his Ma'jeſty. Let this buſineſs be further ſearched into, and ſee how this Judg'ment lies againſt us, and what the Judges do ſay concerning the ſame.

Sir *Robert Philips.*

Sir *Edw. Cook* proceeded, and ſaid, 'This draught of the Judgment 'will ſting us, *quia nulla cauſa fuit oſtenta*, being committed by command 'of the King, therefore he muſt not be bailed: What is this, but to de'clare upon Record, that any Subject, committed by ſuch abſolute com'mand, may be detained in Priſon for ever? What doth this tend to, 'but the utter ſubverſion of the choice Liberty and Right belonging to 'every free-born Subject of this Kingdom? I fear, were it not for this 'Parliament, that followed ſo cloſe after that form of Judgment was 'drawn up, there would have been hard putting to have had it entred: 'But a Parliament brings Judges, Officers, and all men in good order.

Sir *Edward Cook.*

The Commons afterwards, upon further debates of this matter, deſired, That the Judges of the King's Bench might declare themſelves concerning this buſineſs; which was done accordingly: and though it be a little out of time, yet, for coherence ſake, we bring it in here.

Judge *Whitlock* ſpake thus.

'*My Lords*, We are, by your appointment, here ready to clear any 'Aſperſion of the Houſe of Commons in their late Preſentment upon 'the King's Bench, that the Subject was wounded in the Judgment there 'lately given. If ſuch a thing were, my Lords, your Lordſhips, not they, 'have the power to queſtion and judge the ſame. But, my Lords, I ſay, 'there was no Judgment given, whereby either the Prerogative might 'be enlarged, or the Right of the Subject trenched upon. It is true, my 'Lords, in *Mich.* Term laſt, four Gentlement petitioned for a *Habeas Cor'pus*, which they obtained, and Counſel was aſſigned unto them; the Re'turn was, *Per ſpeciale mandatum Domini Regis*, which likewiſe was made 'known to us under the hands of Eighteen Privy-Counſellers. Now, 'my Lords, if we had delivered them preſently upon this, it muſt have 'been, becauſe the King did not ſhew cauſe wherein we ſhould have

Judge *whitlock* in juſtification of the Proceedings in the Upper-Bench upon the *Habeas Corpus.*

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'judged the King had done wrong, and this is beyond our knowledge; 'for he might have committed them for other matters than we could 'have imagined; but they might ſay thus, They might have been kept in 'Priſon all their days: I anſwer, No, but we did remit them, that we 'might better adviſe of the matter; and they the next day might have 'had a new Writ, if they had pleaſed. But they ſay, we ought not to have 'denied Bail: I anſwer, If we had done ſo, it muſt needs have reflected 'upon the King, that he had unjuſtly impriſoned them: And it appears A 'in *Dier*, 2 *Eliz.* that divers Gentlemen being committed, and requiring '*Habeas Corpus*, ſome were bailed, others remitted: whereby it appears, 'much is left to the diſcretion of the Judges.

'For that which troubleth ſo much, *Remittitur quouſque*; This, my 'Lords, was only (as I ſaid before) to take time what to do: and where- 'as they will have a difference between *Remittitur & Remittitur quouſq*; 'My Lords, I confeſs I can find none; but theſe are new inventions to trou- 'ble old Records. And herein, my Lords, we have dealt with knowledge and B 'underſtanding; for had we given a Judgment, the Party muſt thereupon 'have reſted; every Judgment muſt come to an iſſue in matter in fact, or 'demur in point of Law; here is neither, therefore no Judgment.

'For endeavouring to have a Judgment entred (it is true) Mr. At- 'torney preſſed the ſame for his Majeſty's Service: But we having ſworn 'to do right between his Majeſty and his Subjects, commanded the Clerk to 'make no Entry, but according to the old form; and the Rule was given 'by the Chief Juſtice alone. I have ſpent my time in this Court, and I C 'ſpeak confidently, I did never ſee nor know by any Record, that upon 'ſuch a Return as this, a man was bailed, the King not firſt conſulted 'with, in ſuch a Caſe as this.

'The Commons Houſe do not know what Letters and Commands we 'receive; for theſe remain in our Court, and are not viewed by them. For 'the reſt of the matters preſented by the Houſe of Commons, they were 'not in agitation before us, whether the King may commit, and how 'long he may detain a man committed. Therefore having anſwered ſo D 'much as concerneth us, I deſire your Lordſhips good conſtruction of 'what hath been ſaid.

Judge *Doderidge* the like.

Judge *Doderidge*, concerning the ſame Subject, ſaid, 'It is no more 'fit for a Judge to decline to give an account of his doings, than for a 'Chriſtian of his Faith. God knoweth, I have endeavoured always to 'keep a good Conſcience; for a troubled one, who can bear? The 'Kingdom holds of none but God; and Judgments do not paſs private- 'ly in Chambers, but publickly in Courts, (where every one may E 'hear) which cauſeth Judgment to be given with maturity. Your 'Lordſhips have heard the particulars given by my Brother, how 'that Counſel being aſſigned to thoſe four Gentlemen in the latter 'end of *Michaelmas* Term, their Cauſe received hearing, and upon con- 'ſideration of the Statutes and Records, we found ſome of them to be 'according to the good old Law of *Magna Charta*; but we thought 'that they did not come ſo cloſe to this Caſe, as that Bail ſhould be 'preſently thereupon granted. My Lords, the *Habeas Corpus* conſiſteth F 'of three parts; The Writ, the Return upon the Writ or Schedule, and 'the Entry or Rule reciting the *Habeas Corpus* and the Return, together 'with the Opinion of the Court, either a *Remittitur*, or a *Traditur in Balli-* '*vum*. In this Caſe, a *Remittitur* was granted, which we did, that we might 'take better adviſement upon the Caſe, and upon the *Remittitur*, My

'Lords,

3 *Caroli.*

'Lords, they might have had a new Writ the next day, and I wiſh they 'had, becauſe, it may be, they had ſeen more, and we had been eaſed of a 'great labour. And, my Lords, when the Attorney, upon the *Remittitur*, 'preſſed an Entry, we all ſtraightly charged the Clerk, that he ſhould make 'no other Entry, than ſuch as our Predeceſſors had uſually made in like 'Caſes. For the difference between *Remittitur* and *Remittiur quouſque*, 'I could never yet find any: I have now ſate in this Court Fifteen years, A 'and I ſhould know ſomething: ſurely, if I had gone in a Mill ſo long, duſt 'would cleave to my clothes. I am old, and have one foot in the Grave, 'therefore I will look to the better part as near as I can, But, *Omnia ha-* '*bere in memoriâ, & in nullo errare, Divinum potius eſt quam humanum.*

The Lord Chief Juſtice *Hide*, and Juſtice *Jones*, delivered their opinions much to the ſame purpoſe. The Houſe proceeded in further debate of the Liberty of the Subject.

Mr. *Hackwel* reſumes the Debate of the matter concerning the *Habeas Corpus*. B

Mr. *Hackwel* reſumes the Debate of the *Habeas Corpus*.

'The late Judgment (ſaid he) which lies in Bar, is only an Award, 'and no Judgment; and in the L. Chief Juſtice his Argument, there was 'no word ſpoken, that the King might commit or detain without cauſe.

'For the King to commit a man, is *indignum Regi*: Mercy and Honour 'flow immediately from the King, Judgment and Juſtice are his too, but 'they flow from his Miniſters; the Sword is carried before him, but the 'Sceptre in his hands. Theſe are true Emblems of a good King.

'The Law admits not the Kings power of detaining in Priſon at plea- C 'ſure. In antient times Priſons were but *pro cuſtodia, carceres non ad pœ-* '*nam, ſed ad cuſtodiam.* Admit the King may commit a man, yet to de- 'tain him as long as he pleaſeth, is dangerous, and then a man ſhall be 'puniſhed before his offence: Impriſonment is a maceration of the body, 'and horrour to the mind; it is *vita pejor morte.*

Mr. *Selden* laſt of all produced the Statutes, Preſidents, and Book- Mr. *Selden.* Caſes, which were expreſſed in point to the Queſtion in hand; and the D Houſe commanded that Caſe in the Lord Chief Juſtice *Anderſon*'s Book, all of his own hand-writing, to be openly read.

And for the Preſidents cited by the King's Council, in the 34 year of the Queen, as the Opinion of all the Judges; certainly there was a great miſtake in it, and the miſtake was the greater, when it paſſed as currant by the Judges of the King's Bench, in the laſt Caſe of the *Habeas Corpus*. And that the truth of the Opinion may clearly appear, let us read the words out of the Lord Chief Juſtice *Anderſon*'s Report, out of the Book written with his own hand, which will contradict all thoſe Apocrypha E Reports that go upon the Caſe: The words of the Report were theſe.

Divers perſons fueront committes a ſeveral temps a ſeveral pryſons ſur plea- Judge *Ander-* *ſure ſans bon cauſe, parte de queux eſtiant ameſnes en Banck le Roy, Et parte en le* *ſon*'s Reports. *Commune banck, fuerunt accordant a le ley de la terre miſe a large & diſcharge de le impriſonment, pur que aucuns grants fueront oſtendus & procure un commandment a les Judges que ils ne fera ainſi apres. Ceo nient miens les Judges ne ſurceaſe, mes per adviſe enter eux ils feſoint certain Articles le te-* F *nour de queux enſus, & deliver eux al ſeigneurs Chancelor & Treaſurer & eux ſubſcribe avec toutes lour maines, les Articles ſont come enſuiſt.*

We her Majeſty's Juſtices of both Benches, and Barons of the Exchequer, de- *ſire your Lordſhips, that by ſome good means ſome order may be taken, that her Highneſs Subjects may not be committed or detain'd in priſon by commandment of any Nobleman or Counſellor againſt the Laws of the Realm; either elſe to help*

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us to have acceſs to her Majeſty, to the end to become Suitors to her for the ſame: for divers have been impriſoned for ſuing ordinary Actions and Suits at the Common-Law, until they have been conſtrained to leave the ſame againſt their wills, and put the ſame to order, albeit Judgment and Execution have been had therein, to their great loſſes and griefs: for the aid of which perſons, her Majeſty's Writs have ſundry times been directed to ſundry perſons, having the cuſtody of ſuch perſons unlawfully impriſoned, upon which Writs, no good or lawful cauſe of impriſonment hath been returned or certified: Whereupon, according to the Laws, they have been diſcharged of their impriſonment; ſome of which perſons ſo delivered, have been again committed to priſon in ſecret places, and not to any common or ordinary Priſon, or lawful Officer or Sheriff, or other lawfully authorized, to have or keep a Gaol; *ſo that upon complaint made for their delivery, the Queens Courts cannot tell to whom to direct her Majeſty's Writs; and by this means Juſtice cannot be done. And moreover, divers Officers and Serjeants of* London *have been many times committed to Priſon for lawful executing of her Majeſty's Writs, ſued forth of her Majeſty's Court at* Weſtminſter, *and thereby her Majeſty's Subjects and Officers are ſo terrified, that they dare not ſue or execute her Majeſty's Laws, her Writs and Commandments: Divers others have been ſent for by Purſevants, and brought to* London *from their dwellings, and by unlawful impriſonment have been conſtrained, not only to withdraw their lawful Suits, but have alſo been compelled to pay the Purſevants, ſo brining ſuch perſons great ſums of money. All which, upon complaint, the Judges are bound by Office and Oath to relieve and help, by and according to her Majeſty's Laws. And where it pleaſeth your Lordſhips to will divers of us to ſet down in what Caſes a Priſoner ſent to cuſtody by her Majeſty or her Council, are to be detained in Priſon, and not to be delivered by her Majeſty's Court or Judges: We think, That if any perſon be commited by her Majeſty's command, from her Perſon, or by Order from the Council-board; and if any one or two of her Council commit one for high Treaſon, ſuch perſons ſo in the Caſes before committed, may not be delivered by any of her Courts, without due trial by the Law, and Judgment of acquittal had. Nevertheleſs the Judges may award the Queen's Writ, to bring the bodies of ſuch Priſoners before them; and if upon return thereof, the cauſes of their Commitment be certified to the Judges, as it ought to be, then the Judges in the Caſes before, ought not to deliver him, but to remand the Priſoner to the place from whence he came, which cannot conveniently be done, unleſs notice of the cauſe in general, or elſe in ſpecial, be given to the Keeper or Gaoler that ſhall have the cuſtody of ſuch a Priſoner. All the Judges and Barons did ſubſcribe their Names to theſe Articles,* Ter. Paſchæ 34 Eliz. *and delivered one to the Lord Chancellor, and another to the Lord Treaſurer: After which time there did follow more quietneſs than before, in the Cauſe before-mentioned.*

A B C D E F

Sir *Edward Cook.*

After the reading of this Report, Sir *Edw. Cook* ſaid, 'That of my 'own knowledge this Book was written with my L. *Anderſon*'s own hand; 'it is no flying report of a young Student. I was Solicitor then, and Trea-'ſurer *Burley* was as much againſt Commitment as any of this Kingdom; 'It was the *White Staves* that made this ſtir. Let us draw towards a con-'cluſion: The Queſtion is, Whether a Freeman can be impriſoned by the 'King, without ſetting down the cauſe? I leave it as bare as *Æſop's* Crow; 'they that argue againſt it, *Humores moti & non remoti corpus deſtruunt.* It 'is a Maxime, The Common-Law hath admeaſured the King's Prerogative, 'that in no caſe it can prjudice the Inheritance of the Subjects; had the 'Law given the Prerogative to that which is taken, it would have ſet 'ſome time to it, elſe mark what would follow. I ſhall have an Eſtate of

'Inheritance

4 *Caroli.*

'Inheritance for life, or for years in my Land, or propriety in my Goods, 'and I ſhall be a Tenant at will for my liberty: I ſhall have propriety in 'my own houſe, and not liberty in my perſon, *Perſpicue vera non ſunt pro-* '*banda.* The King hath diſtributed his Judicial Power to Courts of Ju- 'ſtice, and to Miniſters of Juſtice; it is too low for ſo great a Monarch as 'the King is, to commit men to Priſon; and it is againſt Law, that men 'ſhould be committed, and no cauſe ſhewed. I would not ſpeak this, but A 'that I hope my gracious King will hear of it; yet it is not I *Edw. Cook* 'that ſpeaks it, but the Records that ſpeak it; we have a National appro- 'priate Law to this Nation, *diverſis ab orbe Britannis.* I will conclude with 'the *Acts of the Apoſtles*, chap. 25. *It is againſt reaſon to ſend a man to pri-* '*ſon, and not to ſhew the cauſe.* It is now time to go to the Queſtion.

Reſolved upon the Queſtion, Nemine contradicente.

Reſolves touching the Subjects liberty in his Perſon.

I. That no Freeman ought to be detained or kept in priſon, or otherwiſe reſtrained by the command of the King or Privy-Council, or any B other, unleſs ſome cauſe of the commitment, detainer or reſtraint be expreſſed, for which by Law he ought to be committed, detained or reſtrained.

II. That the Writ of *Habeas Corpus* may not be denied, but ought to be granted to every man that is committed or detained in priſon, or otherwiſe reſtrained, though it be by the command of the King, the Privy-Council, or any other, he praying the ſame.

III. That if a Freeman be committed or detained in priſon, or otherwiſe reſtrained, by the command of the King, the Privy-Council, or any C other, no cauſe of ſuch Commitment, Detainer, or Reſtraint being expreſſed, for which by Law he ought to be committed, detained, or reſtrained, and the ſame be returned upon *Habeas Corpus*, granted for the ſaid Party, then he ought to be delivered or bailed.

And then taking into conſideration the Property of the Subject in his Goods, they came to this Reſolution, to which there was not a Negative; *viz.*

That it is the ancient and undubitable right of every Freeman, that he D hath a full and abſolute property in his Goods and Eſtate; that no Tax, Tallage, Loan, Benevolence, or other like Charge ought to be commanded, or levied by the King, or any of his Miniſters, without common conſent by Act of Parliament.

Wedneſday, March 26.

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The King's Propoſitions to the Houſe of Commons touching Supply.

The Propoſitions tendred the day before by Secretary *Cook* from his Majeſty, were now received and read, but the Debate thereof was referred to another day. The Propoſitions were theſe; *viz.*

E 1. To furniſh with Men and Victuals 30 Ships, to guard the Narrow Seas, and along the Coaſts.

2. To ſet out Ten other Ships for relief of the Town of *Rochel.*

3. To ſet out Ten other Ships for the preſervation of the *Elbe*, the *Sound*, and *Baltick-Seas*

4. To levy Arms, Cloath, Victual, Pay, and tranſport an Army of 1000 Horſe and 10000 Foot for Foreign Service.

5. To pay and ſupply 6000 more, for the ſervice of *Denmark.*

F 6. To ſupply the Forts of the Office of Ordance.

7. To ſupply the Stores of the Navy.

8. To build Twenty Ships yearly for the increaſe of the Navy.

9. To repair the Forts within the Land.

10. To pay the Arrears of the Office of Ordnance.

11. To pay the Arrears of the Victuallers Office.

12. To

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12. To pay the Arrear of the Treaſure of the Navy.

13. To pay the Arrears due for the freight of divers Merchant Ships imployed in his Majeſty's Service.

14. To provide a Magazine for Victuals for Land and Sea-ſervice.

And the Commons having a conference with the Lords about the Petition againſt Recuſants, Secretary *Cook* was appointed to manage the ſaid Conference.

A Conference between the Lords and Commons, managed by Secretary *Cook* againſt Recuſants.

A 'In the firſt place (he ſaid) we acknowledge all due honour, both un-
'to the Reverend Fathers of the Church, and to our Noble Lords, in
'that ye have ſhined before us as worthy Lights, in the encouragement
'and maintenance of true Religion, being the true ſupport of all Digni-
'ties and Honours. And this forwardneſs of you is the more remarkable,
'when that Viperous Generation, as your Lordſhips juſtly ſtiled them,
'do, at eaſe, with tooth and Nail, eſſay to rend the bowels of their Mo-
'ther. Give me leave to tell you what I know, That theſe now both
B 'vaunt at home, and write to their Friends abroad, They hope all will
'be well, and doubt not to prevail, and to win ground upon us.

'And a little to wake the Zeal and Care of our Learned and Grave
'Fathers, it is fit that they take notice of that Hierarchy, which is already
'eſtabliſhed, in competition with their Lordſhips; for they have a Biſhop
'conſecrated by the Pope; the Biſhop hath his Subalternate Officers of
'all kinds, as Vicars-General, Arch-Deacons, Rural-Deans, Appara-
'tors, and ſuch like; Neither are theſe Nominal or Titular Officers
C 'alone, but they all execute their Juriſdictions, and make their ordinary
'Viſitations through the Kingdom, keep Courts, and determine Eccle-
'ſiaſtical Cauſes. And, which is an Argument of more conſequence,
'they keep ordinary intelligence by their Agents in *Rome*, and hold cor-
'reſpondence, with the Nuntio's and Cardinals, both at *Bruxels*, and in
'*France*.

'Neither are the Seculars alone grown to this height, but the Regu-
'lars are more active and dangerous, and have taken deep root; they
D 'have already planted their Societies and Colledges of both Sexes, they
'have ſetled Revenues, Houſes, Libraries, Veſtments, and all other ne-
'ceſſary proviſions, to travel or ſtay at home: Nay, even at this time
'they intend to hold concurrent Aſſembly with this Parliament.

'But now ſince his ſacred Majeſty hath extended his Royal Arm, and
'ſince the Lords of his Council have, by their Authority, cauſed this neſt
'of Waſps to be digged out of the Earth, and their Convocations to be
'ſcattered; and ſince your Lordſhips joyn in courage and reſolution, at
E 'leaſt to reduce this people to their lawful reſtraint, that they may do
'no more hurt, we conceive great hope and comfort, that the Almighty
'God will, from henceforth, proſper our endeavours both at home and
'abroad.

'But now, my Lords, to come to the chief Errand of this our meeting,
'which is, to make known to you the Approbation of our Houſe of that
'Petition to his Majeſty, wherein you are pleaſed to requeſt our concur-
'rence. The Houſe hath taken it into ſerious conſideration, and from the
F 'beginning to the end approve of every word, and much commend your
'happy Pen; only we are required to preſent unto you a few Additi-
'ons, whereby, we conceive, the Petition may be made more agreeable
'to the Statutes which are deſired to be put in Execution, and to a for-
'mer * Petition granted by his Majeſty, Recorded in both Houſes, con-
'firmed under the Broad-Seal of *England*, and publiſhed in our Courts
'of ordinary Juſtice.

'But

4 *Caroli.*

'But theſe things we propound, not as our Reſolutions, or as matters to 'raiſe debate or diſpute, but commend them only as our advice and de- 'ſire, being ready notwithſtanding to joyn with your Lordſhips in the 'Petition, as now it is, if your Lordſhips ſhall not find this Reaſon to 'be of weight.

This being agreed unto, on *Monday* the 31 of *March*, the aforeſaid Petition was preſented to his Majeſty by both Houſes; at the delivery A whereof, the Lord Keeper ſpake as followeth.

Moſt Gracious Sovereign,

The Lord Keeper's Speech at the preſenting a Petition from both Houſes againſt Recuſants.

'THe Lords Spiritual and Temporal, and Commons in this preſent 'Parliament aſſembled, out of the due care of the Glory of Al- 'mighty God, and of the Honour and ſafety of your Majeſty, do, with 'all humbleneſs, and with one unanimous conſent, preſent to your Roy- 'al Hands, the moſt Loyal deſires of all their hearts; which is ſet down B 'in a dutiful Petition, which is, to quicken the Laws againſt the Per- 'turbers of the Peace of all States: We cannot, nor do not forget your 'Majeſty's moſt gracious Acts and Anſwers on the like Petition; they 'are viſible to the World, to your Majeſty's honour and comfort: We 'bend our knees and hearts, bleſſing God and your Majeſty therefore; 'yet let it not ſeem needleſs, that we repair again to your Majeſty: The 'Husbandman knows, that Weeds are not deſtroyed at one weeding: 'Theſe are growing Evils, they are Weeds of a ſpreading nature: And C 'we that come from all parts, do think it our duty to tell your Ma- 'jeſty, that God's Vineyard is not yet cleanſed. And God himſelf re- 'quires, that we pray to him often, even for what he means and pro- 'miſeth to beſtow on us. But my meſſage comes from the Pen of both 'Houſes; and therefore I humbly beſeech your Majeſty, to lend a gra- 'cious ear to hear me read the Petition.

'After the reading thereof, his Majeſty made this ſhort Speech.

D My Lords and Gentlemen,

The King's Anſwer to the Petition.

'I Do very well approve the method of your proceedings in this Par- 'liament, *A Jove principium*; hoping that the reſt of your Conſulta- 'tions will ſucceed the happier. And I like the Preamble of my Lord 'Keeper, otherwiſe I ſhould have a little ſuſpected, that you had thought 'me not ſo carefnl of Religion as I have, and ever ſhall be, wherein I am 'as forward as you can deſire. And for the Petition, I anſwer firſt in ge- E 'neral. That I like it well, and will uſe theſe as well as other means for 'the maintenance and propagation of that Religion wherein I have 'lived. and do reſolve to die. But for the particulars, you ſhall receive a 'more full Anſwer hereafter. And now will I only add this, That as we 'pray to God to help us, ſo we muſt help our ſelves: For we can have no 'aſſurance of his aſſiſtance, if we do lie in bed, and only pray, without 'uſing other means. And therefore I muſt remember you, that if we do 'not make proviſion ſpeedily, we ſhall not be able to put one Ship to F 'Sea this year. *Verbum ſapienti ſat eſt.*

Afterwards the Lord Keeper ſignified unto the Houſe, That his Majeſty had now given his Anſwer unto the Petition exhibited by both Houſes againſt Recuſants, and had commanded his Lordſhip to read the ſame anſwer in this Houſe; and Mr. Secretary to read it in the Houſe of Commons. Whereupon the Clerk read the firſt Article of the ſaid Petition,

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tion, and the Lord Keeper read his Majeſty's Anſwer unto the ſame, and to each Article therof.

The which Petition, with the Anſwers, follow, *in hæc verba.*

Moſt Gracious Sovereign.

WE your moſt loyal and obedient Subjects, the Lords Spiritual and Temporal, and Commons in Parliament aſſembled, having, to our ſingular comfort, obtained your Majeſty's pious and gracious aſſent for a publick Faſt, to appeaſe the wrath of Almighty God kindled againſt us, and to prevent thoſe grievous Judgments, which do apparently preſs upon us, do, in all humility, preſent unto your Sacred Majeſty all poſſible thanks for the ſame. And becauſe the publick and viſible ſins of the Kingdom, are the undoubted cauſes of thoſe viſible Evils that are faln upon us; amongſt which ſins (as is apparent by the word of God) Idolatry and Superſtition are the moſt heinous & crying ſins; to the end that we may conſtantly hope for the bleſſing of God to deſcend upon this our publick Humiliation, by abandon thoſe ſins which do make a wall of ſeperation betwixt God and us. A B

1. Article. WE moſt humbly and ardently beg at the hands of your moſt Sacred Majeſty, That your Majeſty will be pleaſed to give continual life and motion to all thoſe Laws, that ſtand in force againſt Jeſuites, Seminary Prieſts, and all that have taken Orders, by Authority of the See of Rome, by exacting a more due and ſerious execution of the ſame: Amongſt which number, thoſe that have highly abuſed your Majeſty's clemency, by returning into the Kingdom after their baniſhment, contrary to your Highneſs expreſs Proclamation, we humbly deſire may be left to the ſeverity of your Laws without admitting of any mediation or interceſſion for them. And that ſuch of your Majeſty's unſound and ill-affected Subjects, as do receive, harbour or conceal any of their viperous Generation, may, without delay, ſuffer ſuch Penalties and Puniſhments, as the Laws juſtly impoſe upon them. C D

His Majeſty's Anſwer unto the firſt Article of this Petition.

TO the firſt Point his Majeſty anſwereth, That he will, according to your deſire, give both life and motion to the Laws that ſtand in force againſt Jeſuites, Seminary Prieſts, and all that have taken Orders, by Authority of the See of *Rome*: And to that end, his Majeſty will give ſtrict order to all his Miniſters, for the diſcovering and apprehending of them, and ſo leave them, being apprehended, to the tryal of the Law. And in caſe, after trial, there ſhall be cauſe to reſpit execution of any of them, yet they ſhall be committed (according to the example of the beſt times) to the Caſtle of *Wisbitch*, and there be ſafely kept from exerciſing their Functions, or ſpreading their Superſtitious and dangerous Doctrine; and the Receivers and Abettors, they ſhall be left to Law. E F

2. Article. THat your Majeſty would be pleaſed to command a ſurer and ſtrait watch to be kept in and over your Majeſty's Ports and Havens, and to commit the care and charge of ſearching of Ships for the diſcovery and apprehenſion, as well of Jeſuites and Seminary Prieſts brought

brought in, as of Children and young Students, ſent over beyond the Seas, to ſuck in the poyſon of Rebellion and Superſtition, unto men of approved fidelity and Religion: And ſuch as ſhall be convicted to have connived or combined in the bringing in the one, or conveying of the other, that the Laws may paſs upon them with ſpeedy execution. 4 *Caroli.*

His Majeſties Anſwer to the Second Article.

A TO the ſecond Article, His Majeſty granteth all that is in this Article; and to this end will give Order to the Lord Treaſurer, Lord Admiral and Lord Warden of the Cinque Ports, that in their ſeveral places they be careful to ſee this Article fully executed, giving ſtrict charge to all ſuch as have place and authority under them, to uſe all diligence therein. And his Majeſty requireth them, and all other his Officers and Miniſters, to have a vigilant eye upon ſuch as dwell in dangerous places of advantage or opportunity, for receiving or tranſporting of any ſuch
B as are here mentioned. And his Majeſty will take it for good Service, if any will give knowledge of any ſuch as have connived or combined, or ſhall connive or combine, as is mentioned in this Article, that Juſtice may be ſtrickly done upon them.

C. That conſidering thoſe dreadful dangers (never to be forgotten) which did involve your Majeſties ſacred Perſon, and the whole repreſentative body of your Majeſties Kingdom, plotted and framed by the free and common acceſs of Popiſh Recuſants to the City of London, and to your Majeſties Court, your Majeſty would be graciouſly pleaſed to give ſpeedy command for the preſent putting in practice thoſe Laws that prohibite all Popiſh Recuſants to come to the Court, or within ten miles of the City of London; as alſo thoſe Laws, that confine them to the diſtance of five miles from their dwelling Houſes: and that ſuch by-paſt Licenſes not warranted by Law, as have been granted unto them for their repair to the City of London may be diſcharged and annulled. 3 Article.

D

His Majeſties Anſwer to the Third Article.

TO the third; His Majeſty will take Order to reſtrain the recourſe of Recuſants to the Court; and alſo for the other points in this Article his Majeſty is well pleaſed that the Laws be duely executed, and that all unlawful Licenſes be annulled and diſcharged.

E That whereas it is more then probably conceived, that infinite ſums of monys have within theſe two or three years laſt paſt been extracted out of the Recuſants within the Kingdom by colour of compoſition, and a ſmall proportion of the ſame returned unto your Majeſties coffers, not only to the ſuddain enriching of private perſons, but to the emboldning of Romiſh Recuſants to entertain Maſſing Prieſts into their private Houſes, and to exerciſe all their Mimique Rites of their groſs ſuperſtition, without fear of controll, amounting (as by their dayly practice and oſtentation we may conceive) to the nature of
F a concealed Toleration; your Majeſty would be graciouſly pleaſed to entertain this particular more neerly into your Princely wiſedom and conſideration; and to diſſolve this miſtery of Iniquity patched up of colourable Leaſes, Contracts, and Preconveyances, being but Maſks on the one part of fraud to deceive your Majeſty and States, on the other part for private men to accompliſh their corrupt ends. 4 Article.

An. 1628.

His Majeſty's Anſwer to the Fourth Article.

TO the fourth Article his Majeſty is moſt willing to puniſh for the time paſt, and prevent for the future any of the deceits and abuſes mentioned in this Article; and will account it a good ſervice in any, that will inform himſelf, his Privy Council, Officers of his Revenues, Judges, or learned Council, of any thing that may reveal this miſtery of Iniquity. And his Majeſty doth ſtrictly command every of them, to whom ſuch information ſhall be brought, that they ſuffer not the ſame to die, but do their uttermoſt endeavour to effect a clear diſcovery, and bring the offenders to puniſhment. And to the intent no concealed toleration may be effected, his Majeſty leaves the Laws to their courſe.

5. Article. That as the Perſons of Ambaſſadors from foreign Princes, and their Houſes, be free for the exerciſes of their own Religion, ſo their Houſes may not be made free Chappels and Sanctuaries unto your Majeſties Subjects, Popiſhly affected, to hear Maſs, and to participate in all other Rites and Ceremonies of that Superſtition, to the great offence of Almighty God, and ſcandal of your Majeſties People loyally and religiouſly affected: That either the concourſe of Recuſants to ſuch places may be reſtrained, or at leaſt ſuch a vigilant watch ſet upon them, at their return from thoſe places, as they may be apprehended, and ſeverely proceeded withal, Ut qui palam in luce peccant in luce puniantur.

His Majeſty's Anſwer to the Fifth Article.

TO the fifth; his Majeſty is well pleaſed to prohibit and reſtrain their coming and reſort to the Houſes of Ambaſſadors, and will command a vigilant watch to be ſet for their taking and puniſhing, as is deſired.

6. Article. That no place of Authority and Command, within any the Counties of this your Majeſties Kingdom, or any Ships of your Majeſties, or which ſhall be imployed in your Majeſties Service, be committed to Popiſh Recuſants, or to Non-communicants, by the ſpace of a year paſt, or to any ſuch perſons as according to direction of former Acts of State are juſtly to be ſuſpected, as the place and Authority of Lords Lieutenants, Deputy Lieutenants, Juſtices of Peace, or Captains, or other Officers or Miniſters mentioned in the Statute made in the third year of the Reign of your Father of bleſſed Memory: And that ſuch as by Connivence have crept into ſuch places, may by your Majeſties Royal Command be diſcharged of the ſame.

His Majeſties Anſwer to the Sixth Article.

TO the ſixth; his Majeſty is perſwaded that this Article is already obſerved with good care; nevertheleſs, for the avoiding (as much as may be) all errors and eſcapes in that kind, his Majeſty will give charge to the Lord Keeper, that at the next Term he call unto him all the Judges, and take Information from them of the ſtate of their ſeveral Circuits, if any ſuch (as are mentioned in this Article) be in the commiſſion of the Peace, that due reformation may be made thereof; And will likewiſe give order to the Lord Admiral, and ſuch others to whom it ſhall appertain, to make diligent enquiry and certificate to his Majeſty, if any ſuch be in place of Authority and Command in his Ships or Service.

That

4 *Caroli.*
7. Article.

THat all your Majeſties Judges, Juſtices, and Miniſters of Juſtice, unto whoſe care and truſt, execution (which is the life of your Majeſties Laws) is committed, may, by your Majeſties Proclamation, not only be commanded to put in ſpeedy execution thoſe Laws which ſtand in force againſt Jeſuites, Seminary Prieſts, and Popiſh Recuſants, but that your Majeſty would be further pleaſed to command the ſaid Judges, and Juſtices of Aſſize, to give a true and ſtrict account of their proceedings, at their returns out of their Circuits, unto the Lord Keeper, by the Lord Keeper to be preſented unto your Majeſty.

His Majeſty's Anſwer to the Seventh Article.

TO the Seventh his Majeſty doth fully grant it.

8. Article.

AND for a fair and clear eradication of all Popery for the future, and for the breeding and nurſing up of a holy Generation, and a peculiar People, ſanctified unto the true Worſhip of Almighty God, that until a Proviſional Law may be made for the training and educating of the Children of Popiſh Recuſants, in the Grounds and Principles of our holy Religion, which we conceive will be of more power and force to unite your People unto you in faſtneſs of Love, Religion, and loyal Obedience, than all Pecuniary Mulcts and Penalties that can poſſibly be deviſed: Your Majeſty would be pleaſed to take it into your own Princely care and conſideration, theſe our humble Petitions proceeding from hearts and affections Loyally and Religiouſly devoted to God and your Majeſties Service, and to the ſafety of your Majeſties Sacred Perſon, we moſt zealouſly preſent to your Princely wiſdom, craving your Majeſties chearful and gracious approbation.

His Majeſty's Anſwer to the Eighth Article.

TO the Eighth, his Majeſty doth well approve it, as a matter of neceſſary conſideration; and the Parliament now ſitting, he recommendeth to both Houſes the preparation of a fitting Law to that effect. And his Majeſty doth further declare, that the mildneſs that hath been uſed towards thoſe of the Popiſh Religion, hath been upon hope, that Foreign Princes thereby might be induced to uſe moderation towards their Subjects of the Reformed Religion; but not finding that good effect which was expected, His Majeſty reſolveth, unleſs he ſhall very ſpeedily ſee better fruits, to add a further degree of ſeverity, to that which in that Petition is deſired.

Debates touching his Majeſties Propoſitions.

ON *Wedneſday* the 2. of *April*, the Propoſitions ſent from the King, were mentioned, and ſeveral Gentlemen expreſſed themſelves ſeverally on that Subject.

Sir *Francis Seimor.*

'IT is ſaid, that the greateſt grievance is want of Supply; but I hold it a 'greater grievance that his Majeſty is brought into thoſe neceſſities, eſpe-'cially conſidering the Supplies that of late have been given to the King, 'two Subſidies of Parliament, beſides Privy-Seals, the late Loan, whereby 'five Subſidies were forcibly and unadviſedly taken, and we have yet pur-'chaſed to our ſelves nothing by all theſe but our own diſhonor, we have 'drawn and provok'd two powerful Enemies upon us; it is not then what 'the Subjects do give, unleſs his Majeſty employ men of integrity and 'experience, otherwiſe all that we give will be caſt into a bottomleſs bag.

An. 1628.

Sir *Nath. Rich.*

'SOme Propoſitions we ſhall not meddle with, as a Sovereign Army to 'be tranſported, we are not fit for that yet, but we will not reject 'it; for great Princes, who give out rumors of raiſing great Armies, do 'put their Enemies to great fears; than the defence of our Coaſts, no- 'thing is more neceſſary; but the Bill of Poundage is for that particu- 'lar Supply. And how far it may prejudice us for a future Precedent, to 'give other Supply, let us be adviſed. A

Mr. Secretary *Cook.*

MR. Secretary *Cook*, obſerving a diſtinction made upon the Propo- ſitions, as if ſome of them were to be omitted; I know (ſaid he) 'you will do it upon deliberation; ſome there are not poſſible to be 'omitted, as the guarding of the Seas, defence of the *Elbe*, *Rochel*, and 'thoſe draw on all the reſt: Ships muſt have Men and Munition, and we 'cannot divide any of theſe. This Houſe is tender of the Country; the 'King will not lay a burthen that cannot be born: We may ſupply his B 'Majeſty without this, give we now what we pleaſe, the King may make 'uſe of it before the People are able to pay; and we ſhall not only make 'his Majeſty ſubſiſt, but advance his reputation in the World, by the 'unity of his People, more than by any Treaſure.

Sir *Jo. Elliot.*

'INdeed there may be ſome neceſſity for a War offenſive, but looking 'on one late diſaſter, I tremble to think of ſending more abroad.

'Let us conſider thoſe two great Undertakings at *Cales* and *Rhee*; at C 'Cales, that was ſo gloriouſly pretended, where our men arrived and 'found a Conqueſt ready, namely, the *Spaniſh* Ships, a ſatisfaction ſuffici- 'ent and fit for us, and this confeſſed by ſome then employed, and never 'but granted by all, that it was feaſible and eaſie; why came this to no- 'thing? After that opportunity loſt, when the whole Army was landed, 'with deſtruction of ſome of our Men; Why was nothing done? If no- 'thing was intended, why were they landed, and why were they ſhipt 'again? For *Rhee*'s Voyage, was not the whole action carried againſt the D 'judgment of the beſt Commander? Was not the Army landed? Not to 'mention the leaving of the Wines, nor touch the wonder that *Cæſar* 'never knew, the enriching of the Enemy by courteſies: Conſider what 'a caſe we now are in, if on the like occaſion, or with the like inſtru- 'ments, we ſhall again adventure another Expedition. It was ever the 'wiſdom of our Anceſtors here, to leave Forreign Wars wholly to the 'State, and not to meddle with them.

Sir *Edward Cook.*

E

'SIR *Ed. Cook.* When poor *England* ſtood alone, and had not the ac- 'ceſs of another Kingdom, and yet had more and as potent Enemies 'as now it hath, yet the King of *England* prevailed.

'In the Parliament-Roll, in the 42 year of *Edw.* 3. the King and the 'Parliament gave God thanks for his Victory againſt the Kings of *Scot- 'land* and *France*; he had them both in *Windſor*-Caſtle as Priſoners. 'What was the reaſon of that Conqueſt? Four Reaſons were given. 1. The 'King was aſſiſted by good Counſel. 2. There were valiant men. 3. They F 'were timely ſupplied. 4. Good Imployment.

'3 *R.* 2. The King was invironed with *Flemins*, *Scots*, and *French*; 'and the King of *England* prevailed.

'13 *R.* 2. The King was invironed with *Spaniards*, *Scots*, and *French*; 'and the King of *England* prevailed.

17 *R.* 2.

4 *Caroli.*

'17 *R.*2. Wars were in *Ireland* and *Scotland*, and yet the King of *Eng-*
'*land* prevailed, and thanks were given to God here; and I hope I ſhall
'live to give God thanks for our Kings Victories.

'7 *H.*4. One or two great men about the King ſo mewed him up, that
'he took no other advice but from them; whereupon the Chancellor took
'this Text and Theme in his Speech at the Parliament, *Multorum conſilia*
'*requiruntur in magnis & in bello qui maxime timent ſunt in maximis periculis.*
A 'Let us give, and not be afraid of our Enemies; let us ſupply bountifully,
'chearfully, and ſpeedily, but enter not into particulars. *Solomons* Rule
'is, *Qui repetit ſeparat*, nay *ſeparat fœderatos.* We are united in duty, *&c.*
'to the King, the King hath fourſcore thouſand pounds a year for the Na-
'vy, and to ſcour the Narrow Seas; it hath been taken, and we are now
'to give it; and ſhall we now give more to guard the Seas? Beſides,
'when that is taken of our gift, it may be diverted another way.

'It ſhall never be ſaid we deny all ſupply; I think my ſelf bound,
B 'where there is *commune periculum*, there muſt be *commune auxilium.*

Sir *Thomas Wentworth.*

'I Cannot forget that duty I owe to my Country, and unleſs we be ſe-
'cured againſt our Liberties, we cannot give. I ſpeak not this to make
'diverſions, but to the end that giving I may give chearfully. As for the
'Propoſitions to be conſidered of, I incline to decline them, and to look
'upon the ſtate of our Country, whether it be fit to give or no. Are we
'come to an end for our Countries Liberties? Have we trenched on the
C 'Rates of the Deputy-Lieutenants? Are we ſecured for time future?

Sir *Henry Martin.*

'WE all deſire Remedies for our Grievances, and without them we
'ſhall neither be willing nor able to give; for my part, I heartily
'deſire remedy, but which is the beſt and wiſeſt way, that is the queſtion:
'As we have made ſome progreſs in our Grievances, ſo let us now go on
'to Supply. There is a Proverb, *Non bis ad idem.* Daſh not the Common-
'wealth twice againſt one Rock. We have Grievances, we muſt be eaſed
'of them; who ſhall eaſe us? No Nation hath a People more loving to
D 'the King than we; but let the King think it, and believe it, there is a
'diſtance betwixt him and us; before we can have his heart, we muſt re-
'move it. Our diſeaſe is not ſo great, but that it may be cured, it is the
'Kings Evil which muſt be cured with Gold. Let us imitate *Jacob*, who
'wreſtled with the Angel, and would not let him go; I would we could
'wreſtle with the King in duty and love, and not to let him go in this Par-
'liament, till he comply with us. We muſt take heed of too much repe-
'tition, and over-beating of Grievances, it is dangerous, and it may make
E 'a further ſeparation: He that talks too much of his Grievances, makes the
'Party that is the cauſe of it make an Apology, and to juſtifie it, and that
'is dangerous. Let us do as Poets in a Tragedy, that ſometimes have Co-
'mical paſſages, and ſo a generous mind will ſink preſently. Sure a due
'preſentation of ſuch Grievances to ſuch a King with moderation, will
'take place with him. In all deliberations, go the ſafeſt way; the old way
'I have heard is firſt to remove Grievances; we muſt not tie and bind our
'ſelves by all that was done before. I have gone over the *Thames* in for-
F 'mer times on foot, when it was all an Ice, but that is no argument to
'perſwade me to do the like now, becauſe I did ſo once.

The Houſe waves, *&c.*

THE Houſe waving the Debate of the Propoſitions, proceeded with Grievances by Confinement, and Deſignation for Foreign employment; in which points, ſeveral Gentlemen delivered their opinion.

'Con-

An. 1628.

Mr. Selden.

'CONfinement is different from Impriſonment, and it is againſt the 'Law that any ſhould be confined, either to his Houſe, or elſe-where: 'I know not what you can call a puniſhment, but there is ſome ground of 'it, or mention thereof in Acts of Parliament, Law-Books, or Records; 'but for this of Confinement, I find none: Indeed Jews have been con- 'fined in former times to certain places, as here in *London* to the *Old Ju-* 'ry: The Civilians have perpetual Priſons, and coercive Priſons, upon A 'Judgments in Court, *Carcer domeſticus* is a confinement for madmen.

Sir T. Hobby.

'I Was employed in 88. in that Service, it was then thought fit that 'Recuſants ſhould be confined in ſtrong places, but it was not held 'legal, and when the Navy was diſperſed, they were ſet at liberty; and 'the Parliament petitioned the Queen for a Law, to warrant the Confine- 'ment: Hereupon it was reſolved, That no Freeman ought to be con- 'fined by any command of the King or Privy-Council, or any other, un- B 'leſs it be by Act of Parliament, or by other due courſe or warrant of 'Law. And then the Houſe proceeded to the Debate, concerning Deſig- 'nation to Foreign Imployment.

Sir *Peter Hayman* about Foreign imployment.

TOuching Deſignation to Foreign Imployment, Sir *Peter Hayman* opened his own Caſe: 'I have forgot my imployment unto the *Pa-* '*latinate*, I was called before the Lords of the Council, for what I know 'not, I heard it was for not lending on a Privy Seal. I told them, if they C 'will take my Eſtate, let them, I will give it up, lend I will not. When I 'was before the Lords of the Council, they laid to my charge my unwil- 'lingneſs to ſerve the King; I ſaid, I had my Life and my Eſtate to ſerve 'my Country, and my Religion: They put upon me, if I did not pay, I 'ſhould be put upon an employment of Service. I was willing. After ten 'weeks waiting, they told me I was to go with a Lord into the *Palatinate*, 'and that I ſhould have imployment there, and means befitting. I told 'them, I was a Subject, and deſired means. Some put on very eagerly, D 'ſome dealt nobly; they ſaid, I muſt go on my own purſe: I told them, '*Nemo militat ſuis expenſis.* Some told me, I muſt go; I began to think, 'What, muſt I? None were ever ſent out in that kind. Lawyers told me, 'I could not be ſo ſent. Having that aſſurance, I demanded means, and 'was reſolved not to ſtir upon thoſe terms, and in ſilence and duty I de- 'nied. Upon this, they having given me a command to go, after ſome 'twelve days they told me, they would not ſend me as a Soldier, but to 'attend on an Ambaſſador. I knew that ſtone would hit me. I ſetled my E 'troubled Eſtate, and addreſſed my ſelf to that Service.

Mr. Hackwell.

'THis is a great point, that much concerns the Commonwealth, if the 'King cannot command a Subject to his neceſſary Service, and on 'the other ſide, it will be little leſs than an honourable baniſhment to the 'Subject, if he may. Our Books ſay, the King cannot compel any to go out 'of the Realm; and an Action brought againſt him, he cannot plead in Bar, 'that he is by command from the King in Foreign Service, but the King F 'may give him his protection. 5 *E.* 3. *N.* 9. in the Parliament-Roll there 'was an Ordinance, whereby the King had power to ſend ſome to *Ireland*, 'it is ordained, that ſuch Sages of the Law & Soldiers, where need ſhall be, 'though they refuſe to go, and excuſe themſelves, if their excuſes be not 'reaſonable, the King may do to them according to right and reaſon: If

'the

4 Caroli.

'the King by Law could do this of himſelf, and ſend them to *Ireland* 'his own Dominion, he would never have taken power from his Par- 'liament; and if men do not according to that Law there is no impri- 'ſonment preſcribed.

Sir *Ed. Cook.*

A 'NO reſtraint, be it never ſo little, but is Impriſonment, and foreign 'imployment is a kind of honourable Baniſhment: I my ſelfe was 'deſigned to go to *Ireland*, I was willing to go, and hoped if I had gone, 'to have found ſome *Mompeſſons* there: There is difference when the 'Party is the Kings ſervant, and when not. 46 *E.* 3. this was the time 'when the Law was in its height: Sir *Richard Pembridge* was a Baron, and 'the Kings Servant, and Warden of the Cinque-Ports, he was command- 'ed to go to *Ireland*, and to ſerve as Deputy there, which he refuſed: He 'was not committed, but the King was highly offended, and having Offi- 'ces and Fees and Lands *pro ſervitio ſuo impenſo*, the King ſeiſed his Lands B 'and Offices: I went to the Parliament Roll, 47 *E.* 3. where I found ano- 'the preſident for foreign imployment; they that have Offices *pro con- 'ſilio* or *ſervitio impenſo*, if they refuſe, thoſe Lands and Offices ſo given 'are ſeized, but no commitment.

Sir *Thomas Wentworth.*

'IF any man ows a man a diſpleaſure, and ſhall procure him to be put 'into foreign imployment, it will be a matter of high concernment 'to the Subject: We know the Honor and Juſtice of the King, but we C 'know not what his Miniſters or the mediation of Ambaſſadours may do 'to work their own wrath upon any man.

Sir *Jo. Elliot.*

'IF you grant this Liberty, what are you the better by other privi- 'ledges? what difference is there between impriſonment at home, 'and conſtrained imployment abroad? it is no leſs then a temporal Baniſh- 'ment, neither is it for his Majeſties ſervice to conſtrain his Subjects to im- 'ployment abroad: Honor and Reward invites them rather to ſeek it, but D 'to be compelled, ſtands not with our Liberty.

Theſe Debates, as to confinement, produced this reſolution, That no Freeman ought to be confined by any command from the King, or Privy Council, or any other, unleſs it be by Act of Parliament, or by other due courſe or warrant of Law.

As for the matter of ſupply, the Debate was put off till *Friday* following.

E

Thurſday, 3 of *April*, Mr. *Secretary* Cook *brought the Houſe this Meſſage from the King.*

The King ſends a Meſſage to the Houſe by Secretary *Cook*, touching ſome words ſaid to be ſpoken by the Duke.

F 'HIS Majeſty having underſtood that ſome rumors were ſpread abroad 'of a ſharp Meſſage yeſterday delivered by me, and of ſome malicious 'words, that the Duke ſhould ſpeak yeaſterday at the Council-Board, he 'commanded me to tell you of the malice of thoſe falſe reports, for that 'nothing fell from the Duke or that Board, but what was for the good of 'this Aſſembly: He would have you obſerve the malice of thoſe ſpirits 'that thus put in theſe Jealouſies: Had the Duke ſo ſpoken, he ſhould 'have contradicted himſelf, for all of us at the Council can tell, he was

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'the first mover and perswader of this Assembly of Parliament to the 'King, Esteem of the King according to his actions, and not these tales; 'His Majesty takes notice of our purpose, that on *Friday* we will resolve 'upon Supply, which his Majesty graciously accepts of and that our free 'gift without any condition should testifie to the world, that we will be 'as far from incroaching upon his Prerogative, as he will be to incroach 'upon our Liberties: and this shall well appear, when we present our 'Grievances to him, and then we shall know that he hath no intention to A 'violate our Liberties, only let us not present them with any asperity of 'words; he counts it his greatest glory to be a King of Freemen, not of 'Villains: He thought to have delivered this Message himself, but that 'he feared it would take us too much time.

Then he added a word of his own, 'Yesterday after dinner we attended 'his Majesty, and he asked us what we had done: We said we had entred 'into the consideration of Supply, and that the final resolution was defer- 'red till *Friday*; and that this was done for just reasons, to joyn the B 'business of his Majesties and our Countries together, and this would 'further his Majesty, and it would give content to the Country, and that 'this union here might be spread abroad in the World. His Majesty an- 'swered, For Gods sake, why should any hinder them in their Liberties? 'if they did it not, I should think they dealt not faithfully with me. You 'may see a true Character of his Majesties disposition: let us proceed 'with courage, and rest assured his Majestie will give great ear unto us, 'and let us all joyn to make a perfect union to win the Kings heart; we C 'shall find a gracious answer from the King, and a hearty co-operation 'from those that you think to be averse to us.

Debates on the Message.

UPon the delivery of this Message some stood up, and professed they never heard of any such sharp Message or words the day before, or that any was so bold as to interpose himself: They acknowledged his Majesty had put a threefold Obligation on them; First, in giving them satisfaction; Secondly in giving them assurance (which is a great Law) D that he will protect and relieve them; Thirdly, in giving them advice as may befit the Gravity of that Assembly and his own Honor: So they concluded to carry themselves as their Progenitors before had done, who never were marked for stepping too far on the Kings Prorogative, and they returned their humble thanks to his Majesty.

Friday 4 *April* Secretary *Cook* brings another Message from the King.

THe day following Mr. Secretary *Cook* delivered another Message from the King, *viz.* 'His Majesty hath again commanded me to put you E 'in mind how the eyes and interest of the Christian world, are cast upon 'the good or evil success of this Assembly: He also graciously taketh no- 'tice of that which is in agitation amongst us, touching the freedom of our 'Persons, and propriety of our Goods; and that this particular care (which 'he no way misliketh) may not retard our resolution for the general good, 'he willeth us chearfully to proceed in both, and to express our readi- 'ness to supply his great occasions, upon assurance that we shall enjoy our 'Rights and Liberties, with as much freedom and security in his time as F 'in any age heretofore under the best of our Kings? and whether you 'shall think fit to secure our selves herein, by way of Bill or otherwise 'so as it be provided for with due respect of his Honor and the publique 'good, whereof he doubted not but that you will be careful, he promi- 'seth and assureth you that he will give way unto it; and the more confi-

'dence

4 *Caroli.*

'dence you ſhall ſhew in his grace and goodneſs, the more you ſhall pre-
'vail to obtain your deſires.

Upon this occaſion Mr: Pym *ſpake.*

Mr. *Pym.*

'THat in buſineſs of weight, diſpatch is better than diſcourſe; We came
'not hither without all motives that can be towards his Majeſty, had
A 'he never ſent in this Meſſage; We know the danger of our Enemies, we
'muſt give Expedition to Expedition; let us forbear particulars. A man
'in a journey is hindred by asking too many queſtions: I do believe our
'peril is as great as may be, every man complains of it, that doth incou-
'rage the Enemy: our way is to take that that took away our Eſtates,
'that is, the Enemy; to give ſpeedily is that that the King calls for: A
'word ſpoken in ſeaſon, is like an Apple of Silver; and actions are more
'precious than words. Let us haſten our Reſolutions to ſupply his Ma-
B 'jeſty. And after ſome debate, they came to this unanimous Reſolve,
That Five Subſidies be given to his Majeſty; and Mr. Secretary *Cook* was appointed to acquaint his Majeſty with the Reſolution of the Houſe.

Five Subſidies reſolved on.

Monday *the* 7 *of* April.

Mr. Secretary *Cook* reports the Kings acceptance of Five Subſidies.

'MR. Secretary *Cook* reported to the Houſe the Kings acceptance of
'the Subſidies, and how his Majeſty was pleaſed to ask, by how
C 'many voices they were gained? I ſaid, But by one. His Majeſty asked,
'How many were againſt him? I ſaid, None; for they were voted by one
'voice, and one general conſent. His Majeſty was much affected there-
'with, and called the Lords in Council, and there I gave them an account
'what had paſſed; beſides, it gave his Majeſty no ſmall content, that al-
'though Five Subſidies be inferior to his wants, yet it is the greateſt gift
'that ever was given in Parliament; and now he ſees with this he ſhall
D 'have the affections of his People, which will be greater to him than all
'value. He ſaid, He liked Parliaments at the firſt, but ſince (he knew not
'how) he was grown to a diſtaſte of them; but was now where he was
'before, he loves them, and ſhall rejoyce to meet with his People often.

Upon the giving of the Five Subſidies, the Duke of Bucks *made this Speech at the Council-Table, and Mr. Secretary at that time acquainted the Houſe therewith. The Speech was this.*

The Duke of *Buckingham's* Speech at the Council-Table thereupon.

E 'SIr, methinks I behold you a great King, for love is greater than Majeſty;
'opinion that the people loved you not, had almoſt loſt you in the opi-
'nion of the world; but this day makes you appear as you are, a glorious
'King, loved at home, and now to be feared abroad; this falling out ſo
F 'happily, give me leave, I beſeech you, to be an humble ſuiter to your Ma-
'jeſty; 1. for my ſelf, that I who have had the honour to be your Favorite,
'may now give up that Title unto them, they to be your Favorites, and
'I to be your Servant. My ſecond ſuit is, That they having done alſo well,
'you will account of them as one; a Body of many Members, but all of
'one heart: opinion might have made them differ, but affection did move

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'them all to joyn with like love in this great gift; for proportion, al-
'though it be leſs than your occaſions may ask, yet it is more than ever
'Subjects did give in ſo ſhort a time; nor am I perſwaded it will reſt there,
'for this is but as an earneſt of their affections, to let you ſee, and the
'world know, what Subjects you have, that when the honour, & the good
'of the State is engaged, and Aid asked in the ordinary way of Parliament,
'you cannot want: This is not the gift of Five Subſidies alone, but the
'opening of a Mine of Subſidies that lieth in their hearts. This good be- A
'ginning hath wrought already theſe effects, they have taken your heart,
'drawn from you a Declaration that you will love Parliaments. And
'again, this will meet (I make no queſtion) with ſuch reſpect, that their
'demands will be juſt, dutiful, and moderate; for they that know thus to
'give, know well what is fit to ask. Then cannot your Majeſty do leſs
'than out-go their demands, or elſe you do leſs than your ſelf or them;
'for your Meſſage begot truſt, their truth and your promiſes muſt then
'beget performances. This being done, then ſhall I, with a glad heart, be- B
'hold this work as well ended as now begun, and then ſhall I hope, that
'Parliaments ſhall be made hereafter ſo frequent, by the effects and good
'uſe of them, as they ſhall have this further benefit, to deter from ap-
'proaching your ears thoſe projectors and inducers of innovation, as di-
'ſturbers both of Church and Common-wealth. Now, Sir, to open my
'heart, and to eaſe my grief, pleaſe you to pardon me a word more; I
'muſt confeſs I have long lived in pain, ſleep hath given me no reſt, Fa-
'vours and Fortunes no content, ſuch have been my ſecret ſorrows, to C
'be thought the man of ſeparation, and that divided the King from his
'People, and them from him; but I hope it ſhall appear, they were
'ſome miſtaken minds, that would have made me the evil Spirit that
'walketh between a good Maſter and loyal People, by ill Offices; where-
'as, by your Majeſties favour, I ſhall ever endeavour to approve my ſelf
'a good Spirit, breathing nothing but the beſt of Services to them all.
'Therefore this day I account more bleſſed to me than my birth, to ſee
'my ſelf able to ſerve them, to ſee you brought in love with Parlia- D
'ments, to ſee a Parliament expreſs ſuch love to you; and God ſo love
'me and mine, as I joy to ſee this day.

MR. Secretary *Cook* alſo at this time repeated the ſubſtance of the Kings Anſwer to the Petition concerning Recuſants. And after he had done, Sir *John Elliot* expreſſed the great ſatisfaction which he apprehended, the Houſe in general, and himſelf in ſpecial, had received touching each particular of his Majeſties gracious Anſwer; but ſhewed his di- E
ſlike, that Mr. Secretary, in the cloſe of his Relation, made mention of another in addition to his Majeſty, which formerly had been a matter of complaint in the Houſe, the mixture with his Majeſty, not only in the buſineſs, but in his name. 'Is it (ſaid he) that any man conceives the
'mention of others (of what quality ſoever) can add incouragement or
'affection to us in our duties and loyalties towards his Majeſty, or give
'them greater latitude or extent, than naturally they have? Or is it ſup-
'poſed, that the power or intereſt of any man can add more readineſs to F
'his Majeſty, in his gracious inclination to us, than his own goodneſs
'gives him? I cannot believe it. And as the ſweetneſs and piety of his
'Majeſty, which we have in admiration, makes me confident in this, ſo
'the expreſſions of our duty ſo perſpicuous and clear, as already hath
'been given, is my aſſurance for the other.

It is ill taken by Sir *John Elliot*, that the Duke's name was intermingled with the King's by Secretary *Cook*.

'But,

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'But, Sir, I am ſorry there is this occaſion, that theſe things ſhould be 'argued, or this mixture which was formerly condemned, ſhould appear 'again: I beſeech you, Sir, let it not be hereafter; let no man take this 'boldneſs within theſe Walls to introduce it, though, I confeſs, for my 'particular, I ſhall readily commend, nay, thank that man, whoſe en- 'deavours are applied in ſuch Offices, as may be advantageable for the 'publick: Yet in this matter, ſo contrary to the Cuſtom of our Fathers, A 'and the honour of our Times, I cannot without ſcandal apprehend it, 'nor without ſome Characters or Exception paſs it by, that ſuch interpo- 'ſition for the future may be left.

'Now let us proceed, ſaid he, to thoſe ſervices that concern his Maje- 'ſty and the Subject, which (I doubt not) in the end will render us ſo real 'unto him, that we ſhall not need more help to endear us to his favour.

The Commons having expreſſed their dutiful affections towards his Majeſty, in giving him ſo large a Gift as Five Subſidies, and having alſo B ſhewed their care of the Subjects in the liberty of their Perſon, and pro- priety in their Goods, did now prepare to tranſmit their Reſolves to the Lords for their concurrence; and ſeveral Members were appointed to manage a Conference with the Lords concerning the ſame. We ſhall briefly touch ſome paſſages concerning that Conference, as to the Rati- onal and Hiſtorical part thereof, omitting to mention Precedents and Book-Caſes, leſt they ſhould prove tedious to the Reader.

Sir *Dudley Diggs* begins the Conference by way of Introduction.

C SIr *Dudley Diggs* began with this Introduction: 'I am commanded to 'ſhew unto your Lordſhips in general, that the Laws of *England* are 'grounded on Reaſon, more ancient than Books, conſiſting much in un- 'written Cuſtoms, yet ſo full of Juſtice and true Equity, that your moſt 'honourable Predeceſſors and Anceſtors propugned them with a *Nolu-* '*mus mutari*; and ſo ancient, that from the Saxon days, notwithſtanding 'the injuries and ruines of time, they have continued in moſt part the D 'ſame, as may appear in old remaining Monuments of the Laws of *Ethel-* '*bert*, the firſt Chriſtian King of *Kent*, *Ina* the King of the Weſt Saxons, '*Offa* of the *Mercians*, and of *Alfred* the great Monarch, who united the '*Saxon* Heptarchy, whoſe Laws are yet to be ſeen publiſhed, as ſome think, 'by Parliament, as he ſays to that end, *Ut qui ſub uno Rege, ſub una Lege* '*regerentur*. And though the Book of *Litchfield*, ſpeaking of the times of 'the *Danes*, ſays, then *Jus ſopitum erat in regno, leges & conſuetudines ſo-* E '*pitæ ſunt*; and, *Prava voluntas, vis & violentia magis regnabant quam* '*Judicia vel Juſticia:* Yet, by the bleſſing of God, a good King *Edward*, 'commonly called S. *Edward*, did awaken thoſe Laws, and as the old 'words are, *Excitatis reparavit, reparatas decoravit, decoratas confirmavit*; 'which *confirmavit* ſhews, that good King *Edward* did not give thoſe 'Laws which *William* the Conqueror, and all his Succeſſors, ſince that 'time, have ſworn unto.

'And here, my Lords, by many Caſes frequent in our modern Laws, 'ſtrongly concurring with thoſe of the ancient *Saxon* Kings, I might, if 'time were not more precious, demonſtrate, that our Laws and Cuſtoms F 'were the ſame.

'I will only intreat your Lordſhips leave to tell you, That as we have 'now, even in thoſe *Saxon* times, they had their Court Barons, and Court 'Leets, and Sheriffs Courts, by which, as *Tacitus* ſays of the *Germans*, 'their Anceſtors, *Jura reddebant per pagos & vicos*; and I do believe, as we 'have now, they had their Parliaments, where new Laws were made,

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'*cum conſenſu Prælatorum, Magnatum & totius Communitatis*, or as another 'writes, *Cum conſilio Prælatorum, Nobilium & ſapientium Laicorum*; I will 'add nothing out of *Glanvile*, that wrote in the time of *Hen.*2. or *Bracton*, 'that writ in the days of *Hen.*3. only give me leave to cite that of *For-* 'teſcue, the learned Chancellor to *Hen.*6. who writing of this Kingdom, 'ſays, *Regnum iſtud moribus nationum & regum temporibus, eiſdem quibus* 'nunc regitur legibus & conſuetudinibus regebatur. But, my good Lords, as 'the Poet ſaid of Fame, I may ſay of our Common Law, A

Ingrediturque ſolo, caput inter nubila condit.

'Wherefore the cloudy part being mine, I will make haſte to open way 'for your Lordſhips, to hear more certain Arguments, and ſuch as go on 'more ſure grounds.

'Be pleas'd then to know, that it is an undoubted and fundamental 'Point of this ſo ancient Common Law of *England*, That the Subject hath B 'a true property in his Goods and Poſſeſſions, which doth preſerve as ſa- 'cred, that *meum & tuum*, that is the Nurſe of Induſtry, & Mother of Cou- 'rage, and without which, there can be no Juſtice, of which, *meum & tuum* 'is the proper object. But the undoubted Birthright of true Subjects hath 'lately not a little been invaded and prejudiced by preſſures; the more 'grievous, becauſe they have been purſued by Impriſonment, contrary 'to the Franchiſes of this Land: and when according to the Laws and 'Statutes of this Realm, redreſs hath been ſought for in a legal way, by C 'demanding *Habeas Corpus* from the Judges, and a diſcharge by trial ac- 'cording to the Law of the Land, ſucceſs hath failed; that now enforc- 'eth the Commons in this preſent Parliament aſſembled, to examine, by 'Acts of Parliament, Precedents and Reaſons, the truth of the Engliſh 'Subjects liberty, which I ſhall leave to a learned Gentleman to argue.

Mr. *Littleton.*

NExt after Sir *Dudley Diggs*, ſpake Mr. *Ed. Littleton* of the *Inner-Temple*, 'That their Lordſhips have heard, that the Commons have taken D 'into conſideration the matter of perſonal Liberty, and after long debate 'thereof, they have, upon a full ſearch, and clear underſtanding of all 'things pertinent to the queſtion, unanimouſly declared, That no Free- 'man ought to be committed or reſtrained in priſon by the command of 'the King or Privy-Council, or any other, unleſs ſome cauſe of the com- 'mitment, detainer, or reſtraint be expreſſed, for which by Law he ought 'to be committed, detained, or reſtrained: And they have ſent me, with 'other of their Members, to repreſent unto your Lordſhips the true E 'grounds of their reſolution, and have charg'd me particularly, leaving the 'reaſons of Law and Precedents for others, to give your Lordſhips ſatisfa- 'ction, that this Liberty is eſtabliſhed and confirmed by the whole State, 'the King, the Lords Spiritual and Temporal, and Commons, by ſeveral 'Acts of Parliament, the Authority whereof is ſo great, that it can re- 'ceive no Anſwer, ſave by Interpretation or Repeal by future Statutes. 'And theſe I ſhall mind your Lordſhips of, are ſo direct in the point, that 'they can bear no other expoſition at all; and ſure I am, they are ſtill in F 'force: The firſt of them is the grand Charter of the Liberties of *England*, 'firſt granted in the 17*th* year of King *John*, & renewed in the 19*th* year 'of *Hen.*3. and ſince confirmed in Parliament above 30 times; the words 'there are, chap. 29. *Nullus liber homo capiatur, vel impriſonetur, aut diſſeiſie-* 'tur de libero tenemento ſuo vel liberis conſuetudinibus ſuis, aut utlagatur, aut

'exuletur,

4 *Caroli.*

'*exuletur, aut aliquo modo deſtruatur, nec ſuper eum ibimus, nec eum mitte-*
'*mus, niſi per legale judicium Parium ſuorum, vel per legem terræ.*

He then proceeded to open, and argued learnedly upon the ſeveral particulars in the laſt recited Clauſe of *Magna Charta*; and further ſhewed, 'That no invaſion was made upon this perſonal Liberty, till the time of 'King *Ed.*3. which was ſoon reſented by the Subject, for in the 5 *Ed.*3. '*chap.*9. it is enacted, That no man from henceforth ſhall be attached on A 'any occaſion, nor fore-judged of Life or Limb, nor his Lands, Tene-'ments, Goods, nor Chattels, ſeiſed into the Kings hands, againſt the 'Form of the Great Charter, and the Law of the Land. And 25 *Ed.*3. '*chap.*4. it is more full, and doth expound the words of the Grand Char-'ter, which is thus; Whereas it is contained in the Grand Charter of the 'Franchiſes of *England*, that none ſhall be impriſoned, nor put out of his 'Free-hold, nor Free-cuſtom, unleſs it be by the Law of the Land, it is 'awarded, aſſented, and eſtabliſhed, That from henceforth none ſhall be B 'taken by Petition or Suggeſtion made to our Lord the King, or to his 'Council, unleſs it be by Indictment or Preſentment of his Good and law-'ful People of the ſame Neighbourhood: which ſuch Deed ſhall be done 'in due manner, or by Proceſs made by Writ original at the Common 'Law; nor that none be outed of his Franchiſes, Office, nor Free-hold, 'unleſs it be duly brought in Anſwer, and fore-judged of the ſame, by 'the courſe of the Law, and that if any thing be done againſt the ſame, it 'ſhall be redreſſed and holden for none. And 28 *Ed.*3. *chap.*3. it is more C 'direct, this liberty being followed with freſh Suit by the Subject, 'where the words are not many, but very full and ſignificant, That no 'man, of what ſtate and condition he be, ſhall be put out of his Lands 'nor Tenements, nor taken, nor impriſoned, nor diſinherited, nor put 'to death, without it be brought in Anſwer by due proceſs of the Law. Several other Statutes were cited by him, in confirmation of this point of the Liberty of the Subject.

The Kings Council afterward made Objections to the ſaid Argument, yet acknowledged, 'That the ſeven Statutes urged by the Houſe of Com-D 'mons, are in force; yet ſaid, That ſome of them are in general words, 'and therefore conclude nothing, but are to be expounded by Prece-'dents, and ſome of them are applied to the ſuggeſtion of Subjects, and 'not to the Kings command ſimply of its ſelf; and that *per legem terræ* 'in *Magna Charta*, cannot be underſtood for proceſs of Law, and origi-'nal Writs; for that in Criminal proceedings, no original Writ is uſual at 'all, but every Conſtable, either for Felony, or breach of the Peace, or to E 'prevent the breach of the Peace, may commit without Proceſs or origi-'nal Writ; it were very hard the King ſhould not have the power of a 'Conſtable. They alſo argued, That the King was not bound to expreſs 'the cauſe of Impriſonment, becauſe there may be in it matter of State, 'not fit to be revealed for a time, leſt the Confederates thereupon make 'means to eſcape the hands of Juſtice. Beſides, that which the Commons 'do ſay, That the Party ought to be delivered or bailed, it is a contra-'diction in its ſelf; for Bailing doth ſignifie a kind of impriſonment F 'ſtill, Delivery is a total freeing: And beſides, Bailing is a grace or fa-'vour of a Juſtice, and they may refuſe to do it.

To this it was replied, 'That the Statutes were direct in point, and 'though ſome of them ſpeak of ſuggeſtions of the Subjects, yet they are 'in equal reaſon a commitment by command of the King, as when the 'King taketh notice of a thing himſelf. And for the words, *per legem terræ*,

'original

An. 1628. 'original Writs only are not intended, but all other legal Proceſs, which 'comprehendeth the whole proceedings of the Law upon cauſe other 'than trial by Jury, and the courſe of the Law is rendred by due proceſs 'of the Law, and no man ought to be impriſoned by ſpecial command 'without Indictment, or other due proceſs to be made by the Law. And 'whereas it is ſaid, there might be danger in revealing the Cauſe, that 'may be avoided, by declaring a general Cauſe, as for Treaſon, ſuſpicion 'of Treaſon, miſpriſion of Treaſon, Felony, without expreſſing the par- A 'ticulars, which can give no greater light to a Confederate, than will be 'conceived upon the very apprehenſion upon the impriſonment, if no- 'thing at all were expreſſed.

'And as for the bailing of the Party committed, it hath ever been the 'diſcretion of the Judges, to give ſo much reſpect to a Commitment, by 'the command of the King or Privy-Council, which are ever intended 'to be done in juſt and weighty Caſes, that they will not ſuddenly ſet 'them free, but bail them to anſwer what ſhall be objected againſt them, B 'on the Kings behalf; but if any other inferiour Officer do commit a man 'without ſhewing cauſe, they do inſtantly deliver him, as having no cauſe 'to expect their leiſure; ſo that delivery is applied to the impriſoned, by 'command of ſome mean Miniſter of Juſtice: Bailing, when it is done by 'command of the King, or his Council; and though Bailing is a grace and 'favour of the Court, in caſe of Felony and other crimes, for that there is 'another way to diſcharge them in convenient time by their trial; but 'where no cauſe of impriſonment is returned, but the command of the C 'King, there is no way to deliver ſuch perſons by trial or otherwiſe, but 'that of the *Habeas Corpus*; and if they ſhould be then remanded, they 'might be perpetually impriſoned without any remedy at all, and con- 'ſequenrly a man that had committed no offence, might be in a worſe 'caſe than a greater offender; for the latter ſhould have an ordinary 'trial to diſcharge him, the other ſhould never be delivered.

Mr. *Selden.* MR. *Selden* of the *Inner-Temple* argued next, firſt making this Intro- D duction. 'Your Lordſhips have heard from the Gentleman that 'laſt ſpake, a great part of the grounds upon which the Houſe of Com- 'mons, upon mature deliberation, proceeded to that clear reſolution 'touching the right of the liberty of their perſons: The many Acts of 'Parliament, which are the written Laws of the Land, and are expreſly 'in the point, have been read and opened, and ſuch Objections as have 'been by ſome made unto them, and Objections alſo made out of another 'Act of Parliament, have been cleared and anſwered: It may ſeem now E 'perhaps (my Lords) that little remains needful to be further added, for 'the enforcement and maintenance of ſo fundamental and eſtabliſhed a 'Right and Liberty belonging to every Free-man of the Kingdom.

'The Houſe of Commons taking into conſideration, that in this queſti- 'on, being of ſo high a nature, that never any exceeded it in any Court of 'Juſtice whatſoever, all the ſeveral ways of juſt examination of the Truth 'ſhould be uſed, have alſo moſt carefully informed themſelves of all for- 'mer Judgments or Precedents concerning this great point either way; F 'and have been no leſs careful of the due preſervation of his Majeſties 'juſt Prerogative, than of their own Rights. The Precedents here are 'of two kinds, either meerly matter of Record, or elſe the former reſo- 'lutions of the Judges, after ſolemn debate in the Point.

'This point that concerns Precedents, the Houſe of Commons have command-

4 *Caroli.*

'commanded me to preſent to your Lordſhips, which I ſhall as briefly as 'I may, ſo I do it faithfully and perſpicuouſly: to that end, my Lords, be- 'fore I come to the particulars of any of thoſe Precedents, I ſhall firſt re- 'member to your Lordſhips, that which will ſeem as a general Key for 'the opening and true apprehenſion of all them of Record; without 'which Key, no man, unleſs he be vers'd in the Entries and courſe of the 'Kings Bench, can poſſibly underſtand.

A 'In all Caſes, my Lords, where any Right or Liberty belongs to the 'Subjects by any poſitive Law, written or unwritten, if there were not 'alſo a Remedy by Law, for enjoying or regaining of this Right or Li- 'berty, when it is violated, or taken from him, the poſitive Law were 'moſt vain, and to no purpoſe; and it were to no purpoſe for any man 'to have any right in any Land or other Inheritance, if there were not 'a known Remedy; that is, an Action or Writ, by which, in ſome Court

B 'of ordinary Juſtice, he might recover it. And in this Caſe of Right of 'Liberty of Perſon, if there were not a Remedy in the Law for regain- 'ing it when it is reſtrain'd, it were of no purpoſe to ſpeak of Laws that 'ordain it ſhould not be reſtrained.

'The Writ of *Habeas Corpus*, or *Corpus cum cauſa*, is the higheſt Remedy 'in Law for any man that is impriſoned, and the only Remedy for him that 'is impriſoned by the ſpecial command of the King, or the Lords of the 'Privy Council, without ſhewing cauſe of the Commitment; and if any 'man be ſo impriſoned by any ſuch Command, or otherwiſe whatſoever

C 'through *England*, and deſire, by himſelf, or any other in his behalf, this 'Writ of *Hab. Corp.* for the purpoſe in the Court of Kings Bench, that 'Writ is to be granted to him, and ought not to be denied, and is directed 'to the Keeper of the Priſon, in whoſe cuſtody the Priſoner remains, 'commanding him, That after a certain day he bring in the Body of the 'Priſoner, *cum cauſa detentionis*, and ſometimes *cum cauſa captionis*; and he, 'with his Return, filed to the Writ, bringeth the Priſoner to the Bar at the 'time appointed, and the Court judgeth of the ſufficiency or inſufficiency

D 'of the Return; and if they find him bailable, *committitur Mareſcallo*, the 'proper Priſon belonging to the Court; and then afterward, *traditur in 'ball.* But if upon the return of the *Hab. Corp.* it appear to the Court, that 'the Priſoner ought not to be bailed, nor diſcharged from the Priſon 'whence he is brought, then he is remanded and ſent back again, to con- 'tinue, till by due courſe of Law he may be delivered; and the entry of 'this is, *Remittitur quouſque ſecundum legem deliberatus fuerit*; or, *Remit- 'titur quouſque, &c.* which is all one, and the higheſt award of Judgment

E 'that ever was or can be given upon a *Habeas Corpus*.

'Your Lordſhips have heard the reſolution of the Houſe of Commons, 'touching the enlargement of a man committed by the command of the 'King, or the Privy-Council, or any other, without cauſe ſhewed of ſuch 'commitment; which reſolution, as it is grounded upon Acts of Parlia- 'ment already ſhewn (the reaſon of the Law of the Land being com- 'mitted to the charge of another to open unto you) ſo it is ſtrengthned 'by many Precedents of Records. He then produced twelve Precedents,

F full and directly in the point, to prove that perſons ſo committed, ought to be delivered upon Bail, which were diſtinctly opened and read to their Lordſhips; then he alſo offered to their conſideration other kind of Precedents, which were ſolemn reſolutions of Judges, things not of Record, but yet remain in Authentick Copies; which Precedents and Authorities we omit for the length thereof.

He

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He then proceeded, and ſaid, 'The Houſe of Commons deſiring with 'all care to inform themſelves fully of the truth of the reſolution of the 'Judges in the 34 year of the Queen, cited in this Caſe of Sir *John He-* 'veningham, by the Kings Council, as arguments againſt his not being 'bailed, have got into their hands a Book of Select Caſes, collected by the 'Reverend and Learned Judge, Chief Juſtice *Anderſon*, all written with 'his own hand; which he cauſed to be read, being the ſame which hath 'been already mentioned in the Collections of this Parliament; which A 'Precedents, ſaith he, do fully reſolve enough for the maintenance of 'the ancient and fundamental point of Liberty of the Perſon, to be re- 'gained by *Hab. Corp.* when any is impriſoned.

Then he concluded, That having thus gone through the Charge committed to him by the Houſe of Commons, he ſhould now, as he had leave and direction given him, leſt their Lordſhips ſhould be put to much trouble and expence of time, in finding and getting Copies at large of thoſe things which he had cited, offer alſo to their Lordſhips Authentick Co- B pies of them all, and ſo left them, and whatſoever elſe he had ſaid, to their Lordſhips further conſideration.

Sir *Edward Cook.*

LAſt of all, Sir *Edward Cook* took up the Argument, as to the Rational part of the Law, and began with this Introduction; 'Your Lordſhips 'have heard ſeven Acts of Parliament in point, and Thirty one Prece- 'dents ſummarily collected, and with great underſtanding, delivered, 'which I have peruſed, and underſtand them all throughly; Twelve of C 'the Precedents are *in terminis terminantibus*, a whole Jury of Prece- 'dents, and all in the point: I am much tranſported with joy, becauſe 'of the hope of good ſucceſs in this weighty buſineſs, your Lordſhips 'being ſo full of Juſtice, and the very Theme and Subject doth promiſe 'ſucceſs, which was, *Corpus cum cauſa*, the freedom of an *Engliſh man*, not 'to be impriſoned without cauſe ſhewn, which is my part to ſhew, and 'the reaſon and the cauſe why it ſhould be ſo, wherein I will not be pro- 'lix nor copious; for to gild Gold were idle and ſuperfluous. And after D 'he had cleared ſome doubts made of the Statute of *Weſtminſter*, which 'ſaith, That the Sheriffs and others, in ſome caſes, may not replevin men in Priſon; he proceeded further and ſaid, 'That all thoſe Arguments of- 'fered unto your Lordſhips in this laſt Conference, are of a double na- 'ture. 1. Acts of Parliament. 2. Judicial Precedents. For the firſt, I hold 'it a proper Argument for your Lordſhips, becauſe you my Lords Tem- 'poral, and you my Lords Spiritual, gave your aſſent unto thoſe Acts of 'Parliament; and therefore if theſe cannot perſwade you, nothing can. E 'For the ſecond, which are Judicial Precedents, it is *Argumentum ab Au-* 'thoritate, and *Argumentum ab authoritate valet affirmative*; that is, I 'conceive, though it be no good argument to ſay negatively, the Judges 'have no opinion in the point. 3. It is good Law, which I fortifie with 'a ſtrong Axiom, *Neminem oportet ſapientiorem eſſe legibus*. Now theſe two 'Arguments being ſo well preſſed to your Lordſhips by my Colleagues, 'I think your Lordſhips may wonder what my part may be; it is ſhort, 'but ſweet; it is the Reaſon of all thoſe Laws and Precedents, and Rea- F 'ſon muſt needs be welcome to all men; for all men are not capable of 'the underſtanding of the Law, but every man is capable of Reaſon; 'and thoſe Reaſons I offer to your Lordſhips, in affirmance of the ancient 'Laws and Precedents made for the Liberty of the Subject, againſt Im- 'priſonment without cauſe expreſſed.

'1. *A*

4 Caroli.

'1. *A re ipſa.*
'2. *A minori ad majus.*
'3. From the remedies provided.
'4. From the extent and univerſality of the ſame.
'5. From the infiniteneſs of the time.
'6. *A Fine.*

'The firſt general Reaſon is, *a re ipſa*, even from the nature of impri-
A 'ſonment, *ex viſceribus cauſæ*, for I will ſpeak nothing but *ad idem*, be it
'cloſe or other impriſonment; and this Argument is threefold, becauſe
'an impriſoned man upon will and pleaſure is,
'1. A Bond-man.
'2. Worſe than a Bond-man.
'3. Not ſo much as a Man; for *mortuus homo non eſt homo*, a Priſoner
'is a dead man.
'1. No man can be impriſoned upon will and pleaſure of any, but he
B 'that is a Bond-man and Villain, for that impriſonment and bondage are
'*Propria quarto modo* to Villains; now *propria quarto modo*, and the *ſpe-*
'*cies*, are convertible; whoſoever is a Bond-man, may be impriſoned up-
'on will and pleaſure; and whoſoever may be impriſoned upon will and
'pleaſure, is a Bond-man.
'2. If Free-men of *England* might be impriſoned at the will and pleaſure
'of the King or his Commandment, then were they in worſe caſe than
'Bond-men or Villains; for the Lord of a Villain cannot command ano-
C 'ther to impriſon his Villain without cauſe, as of diſobedience, or refuſing
'to ſerve, as it is agreed in the Year-books. And here he ſaid, that no
man ſhould reprehend any thing that he ſaid out of the Books or Re-
cords; he ſaid, he would prove a Free-man impriſonable upon command
or pleaſure, without cauſe expreſſed, to be abſolutely in worſe caſe than
a Villain; and if he did not make this plain, he deſired their Lordſhips not
to believe him in any thing elſe; and then produced two Book-caſes,
7 *E.*3. *fol.*50. in the new print, 348 old print. 'A Prior had commanded
D 'one to impriſon his Villain, the Judges were ready to bail him, till the
'Prior gave his reaſon, that he refuſed to be Bailiff of his Mannor, and
'that ſatisfied the Judges. 2d. Caſe, 33 *Ed.*3. title *Treſp.*253. in *Faux im-*
'*priſonment*, it was of an Abbot, who commanded one to take and detain
'his Villain, but demanded his cauſe; he gives it, becauſe he refuſed, be-
'ing thereunto required, to drive his Cattle. *Ergo*, Free-men impri-
'ſoned without cauſe ſhewn, are in worſe caſe than Villains, that muſt
'have a cauſe ſhewn them why they are impriſoned.
E '3. A Free-man impriſoned without cauſe, is ſo far from being a Bond-
'man, that he is not ſo much as a man, but is indeed a dead man, and ſo
'no man: Impriſonment is in Law a civil death, *perdit domum, familiam,*
'*vicinos, patriam*, and is to live amongſt wretched and wicked men, male-
'factors, and the like. And that death and impriſonment was the ſame,
he proved by an Argument *ab effectis*, becauſe they both produce the like
immediate effects; he quoted a Book for this: If a man be threatned to be
killed, he may avoid Feoffment of Lands, Gifts of Goods, *&c.* ſo it is if
F he be threatned to be impriſoned; the one is an actual, the other is a
civil death. And this is the firſt general Argument, drawn *a re ipſa*, from
the nature of impriſonment, to which *res ipſa conſilium dedit.*

The ſecond general Reaſon he took alſo from his Books, for he ſaid he
hath no Law, but what by great pains and induſtry he learnt at his Book, for
at ten years of age he had no more Law than other men of like age; and

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this ſecond reaſon is, *a minori ad majus*; he takes it from *Bracton*, *minima pœna corporalis, eſt major qualibet pecuniaria.*

'But the King himſelf cannot impoſe a Fine upon any man, but it muſt 'be done judicially by his Judges, *per Juſtitiarios in Curia, non per Regem 'in Camera*; and ſo it hath been reſolved by all the Judges of *England*: he quoted 3 *R.*2. *f.* 11.

'The third general Reaſon is taken from the number and diverſity of 'remedies, which the Laws give againſt Impriſonment, *viz.* A

'*Breve de homine replegiando.*

'*De odio & atia.* '*De Habeas Corpus.*

'An Appeal of Impriſoment.

'*Breve de manucaptione.*

'The latter two of theſe are antiquated, but the Writ, *De odio & atia*, 'is revived, for that was given by the Statute of *Magna Charta*, *c.*26. and 'therefore though it were repealed by Statute of 42 *E.* 3. by which it is 'provided, that all Statutes made againſt *Magna Charta* are void; now B 'the Law would never have given ſo many remedies, if the Freemen of '*England* might have been impriſoned at free will and pleaſure.

'The fourth general Reaſon is from the extent and univerſality of the 'pretended power to impriſon; for it ſhould extend not only to the 'Commons of this Realm, and their Poſterities, but to the Nobles of the 'Land, and their Progenies, to the Biſhops and Clergy of the Realm, and 'their Succeſſors. And he gave a cauſe why the Commons came to their 'Lordſhips, *Commune periculum commune requirit auxilium.* Nay, it reach- C 'eth to all perſons, of what condition, or ſex, or age ſoever; to all Judges 'and Officers, whoſe attendance is neceſſary, &c. without exception, and 'therefore an impriſonment of ſuch an extent, without reaſon, is againſt 'reaſon.

'The fifth general Reaſon is drawn from the indefiniteneſs of time, 'the pretended power being limited to no time, it may be perpetual du- 'ring life; and this is very hard: to caſt an old man into priſon, nay, to 'cloſe priſon, and no time allotted for his coming forth, is a hard caſe, as D 'any man could think that had been ſo uſed. And here he held it an un- 'reaſonable thing, that a Man had a remedy for his Horſe or Cattle, if 'detained, and none for his Body thus indefinitely impriſoned; for a Pri- 'ſon without a prefixed time, is a kind of Hell.

'The ſixth and laſt Argument is *a Fine*; and *ſapiens incipit a Fine*, and 'he wiſht he had begun there alſo; and this Argument he made threefold.

Ab honeſto. This being leſs honorable.

Ab utili. This being leſs profitable. E

A tuto. This Impriſonment by will and pleaſure, being very dangerous for the King and Kingdom.

'1. *Ab honeſto.* It would be no honour to a King or Kingdom, to be 'a King of Bond-men or Slaves, the end of this would be both *Dedecus '& damnum*, both to King and Kingdom, that in former times hath been 'ſo renowned.

'2. *Ab utili.* It would be againſt the profit of the King and Kingdom, for 'the execution of thoſe Laws before remembred, *Magna Charta*, 5 *Ed.*3. F '25 *Edw.*3. 28 *Edw.*3. whereby the King was inhibited to impriſon upon 'pleaſure: You ſee (quoth he) that this was *vetus querela*, an old queſtion, 'and now brought in again, after ſeven Acts of Parliament; I ſay, the exe- 'cution of all theſe laws are adjudg'd in Parliament to be for the common 'profit of the King and People; and he quoted the Roll, this pretended

'power

4. *Caroli.*

"power being againſt the profit of the King, can be no part of his "Prerogative.

"He was pleaſed to call this a binding-reaſon, and to ſay, that the wit "of man could not anſwer it; that great men kept this Roll from be- "ing printed, but that it was equivalent in force to the printed Rolls.

"3. A Reaſon *a tuto*. It is dangerous to the King for two reſpects; firſt, "of loſs; ſecondly, of deſtroying the endeavours of men. Firſt, if he be A "committed without the expreſſion of the cauſe, though he eſcape, albeit "in truth it were for Treaſon or Felony, yet this eſcape is neither Felo- "ny nor Treaſon; but if the cauſe be expreſſed for ſuſpicion of Treaſon "or Felony, then the eſcape, though it be innocent, is Treaſon or Felony. "He quoted a Caſe in print like a Reaſon of the Law, not like *Remitti-* "*tur* at the riſing of the Court, for the Priſoner, *traditur in Ballium quod* "*breve Regis non fuit ſufficiens cauſa.* The King's Command. He quoted "another famous Caſe, Commons in Parliament incenſed againſt the B "Duke of *Suffolk*, deſire he ſhould be committed: The Lords and all the "Judges, whereof thoſe great Worthies, *Preſcot* and *Forteſcue*, were two, "delivered a flat opinion, That he ought not to be committed without "an eſpecial cauſe. He queſtioned alſo the name and etymology of the "Writ in queſtion, *Corpus cum cauſa*; *Ergo*, The Cauſe muſt be brought "before the Judge, elſe how can he take notice hereof?

"Laſtly, he preſſed a place in the Goſpel, *Acts* 25. laſt *verſe*, which *Fe-* C "*ſtus* conceives is an abſurd and unreaſonable thing, to ſend a Priſoner to "a *Roman* Emperor, and not to write along with him the cauſe alledged "againſt him: Send therefore no man a Priſoner, without his Cauſes along "with him, *hoc fac & vives*. And that was the firſt reaſon, *a tuto*, that it was "not ſafe for the King in regard of Loſs, to commit men without a Cauſe.

"The ſecond Reaſon is, That ſuch Commitments will deſtroy the en- "deavors of all men; who will endeavor to employ himſelf in any Pro- "feſſion, either of War, Merchandiſe, or of any Liberal Knowledge, if he "be but Tenant at Will of his Liberty? For no Tenant at Will will ſup- D "port or improve any thing, becauſe he hath no certain Eſtate; *Ergo*, to "make men Tenants at Will of their Liberties, deſtroys all induſtry and "endeavors whatſoever. And ſo much for theſe ſix principal Reaſons:

Are ipſa.
A minore ad majus.
A remediis.
From the extent and univerſality.
From the infiniteneſs of the time.
A fine.

Loſs of { Honour. Profit. Security. Induſtry. }

E

Theſe were his Reaſons.

Here he made another Proteſtation, "That if remedy had been gi- "ven in this Caſe, they would not have medled therewith by no means; "but now that remedy being not obtain'd in the *Kings Bench*, without "looking back upon any thing that hath been done or omitted, they "deſire ſome proviſion for the future only. And here he took occaſion "to add four Book Caſes and Authorities, all in the point, ſaying, That F "if the Learned Council on the other ſide could produce but one "againſt the Liberties, ſo pat and pertinent, Oh! how they could hug "and cull it. 16 *H.* 6. *tit. monſtrans de fait* 82. by the whole Court, the "King in his preſence cannot command a man to be arreſted, but an "action of falſe impriſonment lieth againſt him that arreſteth: If not "the King in his Royal Preſence, then none others can do it. *Non ſic*

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"itur ad aſtra. 1 H.7.4. Huſſey reports the opinion of Markham, Chief "Juſtice to Edw.4. that he could not impriſon by word of mouth; and "the reaſon, becauſe the Party hath no remedy; for the Law leaves "every man a remedy of cauſleſs impriſonment: He added, that Mark- "ham was a worthy Judge, though he fell into adverſities at laſt by the "Lord Rivers his means. Forteſcue, chap.8. Proprio ore nullus Regum uſus "eſt, to impriſon any man, &c. 4 Eliz. Times bleſſed and renowned "for Juſtice and Religion, in Pl.235. the Common Law hath ſo ad- A
"meaſured the Kings Prerogative, as he cannot prejudice any man in his "Inheritance; and the greateſt Inheritance a man hath, is the liberty "of his perſon, for all others are acceſſary to it; for thus he quoteth "the Orator, Major hæreditas venit unicuique noſtrum a Jure legibus quam "a parentibus.

"And theſe are the four authorities he cited in this point: Now he "propounded and anſwered two Objections; Firſt, in point of State; "Secondly, in the courſe held by the Houſe of Commons. B

1. Object. "May not the Privy-Council commit, without cauſe ſhewed, in no "matter of State where ſecrecy is required? Would not this be an hin- "derance to his Majeſties Service?

Anſw. "It can be no prejudice to the King by reaſon of matter of State, for "the cauſe muſt be of higher or lower nature. If it be for ſuſpicion of "Treaſon, miſpriſion of Treaſon or Felony, it may be by general words "couched; if it be for any other thing of ſmaller nature, as contempt, "and the like, the particular cauſe muſt be ſhewed, and no individuum C
"vagum, or uncertain cauſe to be admitted.

2. Object. "Again, if the Law be ſo clear as you make it, why needs the De- "claration and Remonſtrance in Parliament?

Anſw. "The Subject hath in this Caſe ſued for Remedy in the Kings Bench "by Habeas Corpus, and found none; therefore it is neceſſary to be "cleared in Parliament. And here ends his Diſcourſe: And then he made "a recapitulation of all that had been offered unto their Lordſhips, that "generally their Lordſhips had been adviſed by the moſt faithful Coun- D
"ſellors that can be; dead men, theſe cannot be daunted by fear, nor "muzled by affection, reward or hope of preferment, and therefore "your Lordſhips might ſafely believe them; particularly their Lord- "ſhips had three ſeveral kinds of proofs.

"1. Acts of Parliament, Judicial Precedents, good Reaſons. Firſt, you "have had many antient Acts of Parliament in the Point, beſides Magna "Charta, that is, ſeven Acts of Parliament, which indeed are thirty ſeven, "Magna Charta being confirmed thirty times, for ſo often have the Kings E
"of England given their Royal Aſſents thereunto.

"2. Judicial Precedents of grave and reverend Judges, in terminis "terminantibus, that long ſince departed the World, and they were "many in number. Precedents being twelve, and the Judges four of a "Bench made four times twelve, and that is fourty eight Judges.

"3. You have, as he termed them, vividas rationes, manifeſt and apparent "Reaſons: Towards the concluſion he declareth to their Lordſhips, That "they of the Houſe of Commons have, upon great ſtudy and ſerious con- F
"ſideration made a great manifeſtation unanimouſly, Nullo contradicente, "concerning this great Liberty of the Subject, and have vindicated and "recovered the Body of this fundamental Liberty, both of their Lord- "ſhips and themſelves, from ſhadows, which ſometimes of the day are "long, ſometimes ſhort, and ſometimes long again; and therefore we

"muſt

"muſt not be guided by ſhadows: and they have tranſmitted to their "Lordſhips, not *capita rerum*, Heads or Briefs, for theſe *compendia* are "*diſpendia*; but the Records at large, *in terminis terminantibus*: and "ſo he concluded, that their Lordſhips are involved in the ſame danger, "and therefore *ex congruo & condigno*, they deſired a Conference, to "the end their Lordſhips might make the like Declaration as they had "done; *Commune periculum, commune requirit auxilium*; and thereupon A "take ſuch further courſe, as may ſecure their Lordſhips and them, and "all their Poſterity, in enjoying of their antient, undoubted, and fun-"damental Liberties.

The two next days were ſpent in the Debate about Billeting of Soldiers upon the Subject, againſt Law.

B THurſday the 10 of *April*, Mr. Secretary *Cook* delivered this Meſſage from the King, 'that his Majeſty deſired this Houſe not to make 'any receſs theſe *Eaſter* Holidays, that the World may take notice how 'earneſt his Majeſty and we are for the publick Affairs in Chriſtendom, 'the which, by ſuch a receſs, would receive interruption.

His Majeſties Meſſage for non-receſs.

THis Meſſage for non-receſs, was not well pleaſing to the Houſe.

The Meſſage not approved.

C SIr *Robert Philips* firſt reſented it, and took notice, 'That in 12 and '18 *Jac.* upon the like intimation, the Houſe reſolved it was in their 'power to adjourn or ſit: Hereafter, ſaid he, this may be put upon us by 'Princes of leſs Piety. Let a Committee conſider hereof, and of our 'right herein, and to make a Declaration. And accordingly this matter touching his Majeſties pleaſure about the receſs, was referred to a Committee, and to conſider the power of the Houſe to adjourn it ſelf; to the end, that it being now yielded unto in obedience to his Majeſty, it D might not turn to prejudice in time to come.

Sir *Robert Philips.*

SIr *Edward Cook* ſpoke to the ſame purpoſe, and ſaid, 'I am as tender 'of the Priviledges of this Houſe, as of my life, and they are the 'Heart-ſtrings of the Common-wealth. The King makes a Prorogation, 'but this Houſe adjourns it ſelf. The Commiſſion of Adjournment we 'never read, but ſay, This Houſe adjourns it ſelf. If the Kings writ to 'an Abbot for a Corody, for a *Vallet*, if it be *ex rogatu*, though the Ab-E 'bot yeilds to it, it binds not. Therefore I deſire that it be entred, that 'this is done *ex rogatu Regis*.

Sir *Edw. Cook.*

Hereupon a Meſſage was ſent to the King, That the Houſe would give all expedition to his Majeſties Service, notwithſtanding their purpoſe of receſs. To which Meſſage, his Majeſty returned this Anſwer, That the motion proceeded from himſelf, in regard of his engagement in the Affairs of Chriſtendom, wiſhed them all alacrity in their proceedings, and that there be no receſs at all.

F FRiday the 11 of *April*, Secretary *Cook* moved the Expedition of Subſidies, and turning of the Votes into an Act: 'We have many Pe-'titions to the King, ſaid he, and they are Petitions of Right. We have 'freely and bountifully given five Subſidies, but no time is appointed, 'and Subſidy without time is no Subſidy: Let us appoint a time.

Secretary *Cook* to expedite Subſidies.

Sir

An. 1628.

Sir *Dudley Diggs.*

SIr *Dudley Diggs* quickned his motion, and ſpoke roundly: 'We have '(ſaid he) freely concluded our Liberties, we have offered five Subſi- 'dies, his Majeſty hath given us gracious Anſwers, we have had good by 'our beginnings, What have we hitherto done for the King? Nothing is 'done that the King can take notice of. The world thinks that this Parlia- 'ment hath not expreſſed that reſolution that it did at the firſt, how much 'doth it concern the King, that the world be ſatisfied with his Honour? A 'Our ſucceſs and honour is the Kings. Princes want not thoſe that may 'ingratiate themſelves with them, by doing ill offices. There is a ſtop, 'and never did a Parliament propound any thing, but it hath been per- 'fected ſooner than this is. May not the King ſay, What have I done? they 'grow cold. Have I not told them, I will proceed with as much grace as 'ever King did? He will ſettle our Proprieties and Goods. Have we not 'had a gracious Anſwer? are we hand in hand for his ſupply? ſhall it be ſaid 'that this day it was moved, but denied? it may put our whole buſineſs B 'back; wherein can this diſadvantage us? this binds us not; I dare ſay, con- 'fidently, we ſhall have as much as ever any Subjects had from their King.

Sir *Thomas Wentworth.*

SIr *Thomas Wentworth* propoſed a middle way, *viz.* 'That when we 'ſet down the time, we be ſure the Subjects Liberties go hand in 'hand together; then to reſolve of the time, but not report it to the 'Houſe, till we have a Ground, and a Bill for our Liberties: this is the 'way to come off fairly, and prevent jealouſies. C

Hereupon the Committee of the whole Houſe reſolved, That Grie- vances and Supply go hand in hand.

Saturday 12. *of* April.

Mr. Secretary *Cook* delivereth another Meſſage concerning Supply.

MR. Secretary *Cook* delivered another Meſſage from the King, (*viz.*) D 'His Majeſty having given timely notice to this Houſe, as well of 'the preſſure of the time, as of the neceſſity of Supply, hath long ſince 'expected ſome fruit of that which was ſo happily begun; but finding a 'ſtop beyond all expectation after ſo good beginning, he hath command- 'ed me to tell you, That without any further or unneceſſary delay, he 'would have you to proceed in this buſineſs; for however he hath been 'willing and conſenting, his affairs and ours ſhould concur and proceed 'together; yet his meaning was not, that the one ſhould give interruption 'to the other, nor the time to be ſpun out upon any pretence, upon E 'which the common cauſe of Chriſtendom doth ſo much depend: he 'bids us therefore take heed, that we force not him to make an un- 'pleaſing end of that, which was ſo well begun.

'I will diſcharge my duty, I ſhall humbly deſire this Honourable Houſe 'not to undervalue or overſtrain this Meſſage; if we conceive any thing in 'it to tend, as if his Majeſty threatned to diſſolve this Parliament, we are 'deceived; his Majeſty intends the contrary, and to put us in ſuch a way, 'that our buſineſs may have ſpeedy ſucceſs. His Majeſty takes notice of a F 'peremptory order, whereby he conceived, that his buſineſs was excluded, 'at leaſt for a time, that which doth moſt preſs his Majeſty is time, believe 'that the affairs now in hand preſs his Majeſties heart more than us. Let 'us remove delays that are more than neceſſary, let us awaken our ſelves, 'he intends a ſpeedy diſpatch. I muſt with ſome grief tell you, that

'notice

4 *Caroli.*

'notice is taken, as if this Houſe preſſed not upon the abuſes of Power, 'but only upon Power it ſelf; this toucheth the King and us, who are 'ſupported by that Power: Let the King hear of any abuſes of Power, he 'will willingly hear us, and let us not bend our ſelves againſt the extention 'of his Royal Power, but contain our ſelves within thoſe bounds, that we 'meddle only with preſſures and abuſes of Power, and we ſhall have the 'beſt ſatisfaction that ever King gave. I beſeech you all concur this way, A 'and uſe that moderation we have had the honour yet to gain.

Being moved to explain what he meant by the word [Power] which (he ſaid) we did oppoſe, he anſwered,

'I cannot deſcend to particulars, or go from that his Majeſty gave me 'warrant or Power to deliver.

This Meſſage was very unpleaſiag to the Houſe, and many debates ſucceeded thereupon. And

Sir *Robert Phillips.*

B 'SIr *Robert Phillips* ſaid, He hoped their moderation would have given 'a right underſtanding to his Majeſty of their Loyalty.

'OThers propoſed to find out a way, by Gods providence, to make 'this Meſſage happy to King and People, it concerns the Kings 'Honour abroad, and our ſafety at home, that this Parliament be happy, 'let us prevent (ſay they) theſe miſchiefs, which by frequent Meſſages 'thus obſtruct us: let thoſe Gentlemen near the Chair ſee that we have C 'endeavoured to apply our ſelves to his Majeſties ſervice, notwithſtanding this Meſſage. In 12 *Jac.* a Meſſage of this nature produced no good; 'nothing ſo endangers us with his Majeſty, as that opinion that we are 'Antimonarchically affected, whereas ſuch is, and ever hath been our 'Loyalty, if we were to chuſe a Government, we would chuſe this Mo'narchy of *England* above all Governments in the World.

Secretary *Cook.*

D ABout two days after, Mr. Secretary *Cook* again did quicken the buſineſs of Supply, alledging, 'That all Negotiations of Ambaſſadors 'are at a ſtop while the Houſe ſits, and that this ſtop is as a froſt upon the 'Earth, that hinders the ſweet vapours between his Majeſty and his Sub'jects; and that as matters ſtand, the Soldiers can neither be disbanded, 'nor put in Service.

Mr. *Wandesford*

E 'THis motion comes unexpectedly, but it is fit to receive ſome ſatis'faction, the proceeding now with our Grievances ſhall open the 'ſtop that hinders his Majeſties Affairs.

Sir *Humphrey May.*

SIr *Humphrey May* added, 'That ſweetneſs, truſt, and confidence are 'the only Weapons for us to deal with our King; and that coldneſs, 'inforcement, and conſtraint will never work our ends: If we compaſs 'all we deſire, and have not his Majeſties heart, what will a Law or any 'thing elſe do us good?

F HEreupon it was ordered, 'That a ſpecial Committee of eight per'ſons ſhall preſently withdraw themſelves, and conſult together 'upon ſome Heads, and upon the ſubſtance of a fair repreſentation to his 'Majeſty, which the Speaker ſhall deliver in his Speech to his Majeſty, on '*Monday* next, (if the King pleaſe to give acceſs) and at the ſame time 'to deliver the Petition againſt Billeting of Soldiers.

Maſter

An. 1628.

Maſter Speakers Speech to the King on Eaſter-Monday.

Moſt Gracious and Dread Sovereign,

Mr. Speakers Speech to the King at the delivery of the Petition for Billeting of Soldiers.

'YOur dutiful and loyal Commons here aſſembled, were lately humble Suitors to his Majeſty for acceſs to your Royal preſence; the occaſion that moved their deſires herein, was a particular of importance, worthy your Princely conſideration; which, as it well deſerves, ſhould have been the only Subject of my Speech at this time.

'But ſince your gracious Anſwer for this Acceſs, obtained by a Meſſage from your Majeſty, they have had ſome cauſe to doubt, that your Majeſty is not ſo well ſatisfied with the manner of their proceedings, as their hearty deſire is you ſhould be, eſpecially in that part which concerns your Majeſties preſent Supply, as if in the proſecution thereof, they had of late uſed ſome ſlackneſs or delay.

'And becauſe no unhappineſs of theirs can parallel with that which may proceed from a miſunderſtanding in your Majeſty of their clear and loyal intentions, they have commanded me to attend your Majeſty with an humble and ſummary Declaration of their proceedings ſince this ſhort time of their ſitting, which they hope will give your Majeſty abundant ſatisfaction, that never people did more truly deſire to be endeared in the favour and gracious opinion of their Sovereign; and withal to let you ſee, that as you can have no where more faithful Counſel, ſo your great deſigns and occaſions can no way be ſo ſpeedily or heartily ſupported, as in this old and antient way of Parliament.

'For this purpoſe they humbly beſeech your Majeſty to take into your Royal conſideration, that although by antient Right of Parliament, the matters there debated are to be diſpoſed in their true method and order, and that their conſtant cuſtom hath been to take into their conſiderations the common Grievances of the Kingdom, before they enter upon the matter of Supply; yet to make a full expreſſion of that zeal and affection which they bear to your Royal Majeſty, equalling at leaſt, if not exceeding the beſt affections of their Predeceſſors, to the beſt of your Progenitors; they have in this Aſſembly, contrary to the ordinary proceedings of Parliament, given your Majeſties Supply precedence before the common Grievance of the Subject, how preſſing ſoever, joyning with it only thoſe fundamental and vital Liberties of the Kingdom, which give ſubſiſtence and ability to your Subjects.

'This was their original order and reſolution, and was grounded upon a true diſcerning, that theſe two conſiderations could not be ſevered, but did both of them entirely concern your Majeſties Service, conſiſting no leſs in enabling and encouraging the Subject, than in proportioning a Preſent ſuiting to your Majeſties occaſions and their abilities; nay, ſo far have they been from uſing any unneceſſary delays, as though, of the two, that of Supply were the later propoſition amongſt them, the Grand Committee to which both were referred, hath made that of your Majeſties Supply firſt ready for concluſion.

'And

4 *Caroli.*

'And to be ſure your Majeſties ſupply might receive no interruption 'by the other, differing from uſage and cuſtom (in caſes in this nature) 'ſent up of thoſe that concern the Subjects by parcels, ſome to your Ma- 'jeſty, and ſome to the Lords, to the end your Majeſty might receive 'ſuch ſpeedy content, as ſuited with the largeſt and beſt extent of their 'firſt order.

'Sir, You are the breath of our noſtrils, and the light of our eyes, and A 'beſides thoſe many comforts, which under you and your Royal Proge- 'nitors, in this frame of Government, this Nation hath enjoyed, the Re- 'ligion we profeſs hath taught us whoſe Image you are; and we do all 'moſt humbly beſeech your Majeſty to believe, that nothing is or can be 'more dear unto us than the ſacred Rights and Prerogatives of your 'Crown: no perſon or Council can be greater lovers of you, nor be 'more truly careful to maintain them; and the preſerving of thoſe fun- 'damental Liberties which concern the freedom of our perſons, and pro- B 'priety of Goods and Eſtates, is an eſſential means to eſtabliſh the true 'glory of a Monarchy.

'For rich and free Subjects, as they are beſt governed, ſo they are moſt 'able to do your Majeſty ſervice, either in Peace or War, which next 'under God hath been the cauſe of the happy and famous Victories of 'this Nation, beyond other Kingdoms of larger Territories and greater 'number of People.

'What information ſoever contrary to this ſhall be brought unto your C 'Majeſty, can come from no other than ſuch as for their own ends under 'colour of advancing the Prerogative, do indeed undermine and wea- 'ken Royal Power by impoveriſhing the Subjects, render this Mo- 'narchy leſs glorious, and the People leſs able to ſerve your Ma- 'jeſty.

'Having (by this that hath been ſaid) cleared our hearts and proceed- 'ings to your Majeſty, our truſt is, that in your Royal Judgment we ſhall 'be free from the leaſt opinion of giving any neceſſary ſtop to our pro- D 'ceedings in the matter of your ſupply, and that your Majeſty will be 'pleaſed to entertain belief of your alacrity and chearfulneſs in your 'ſervice, and that hereafter no ſuch misfortune ſhall befall us to be miſ- 'underſtood by your Majeſty in any thing.

'We all moſt humbly beſeech your Majeſty to receive no information 'in this or any other buſineſs from private relations, but to weigh and 'judge of our proceedings by thoſe reſolutions of the Houſe that ſhall be 'repreſented from our ſelves.

E 'This rightly and graciouſly underſtood, we are confident from the 'knowledge of your goodneſs and our own hearts, that the ending of 'this Parliament ſhall be much more happy than the beginning, and be 'to all Ages ſtyled the *Bleſſed Parliament*, for making perfect union be- 'tween the beſt King and the beſt People, that your Majeſty may ever 'delight in calling us together, and we in the comforts of your gracious 'favour towards us.

'In this hope I return to my firſt Errand, which will beſt appear by F 'that which I ſhall humbly deſire you to hear, and being an humble Pe- 'tition for the Houſe of Commons for redreſſing of thoſe many inconve- 'niencies and diſtractions that have befallen your Subjects by the billet- 'ing of Souldiers in private mens houſes againſt their wills.

'Your Royal Progenitors have ever held your Subjects hearts the beſt 'Garriſon of this Kingdom, and our humble Suit to your Majeſty is,

An. 1628.

'that our faith and loyalty may have ſuch place in your Royal thoughts, 'as to reſt aſſured that all your Subjects will be ready to lay down their 'lives for the defence of your ſacred Perſon and this Kingdom.

'Not going our ſelves into our Countries this *Eaſter*, we ſhould think 'it a great happineſs to us, as we know it would be a ſingular comfort 'and encouragement to them that ſent us hither, if we might but ſend 'them the news of a gracious Anſwer from your Majeſty in this parti- 'cular, which the reaſons of the Petition we hope will move your moſt A 'excellent Majeſty graciouſly to vouchſafe us.

The Petition concerning the billeting of Souldiers preſented to the Kings moſt excellent Majeſty.

The Petition concerning billeting of Souldiers.

IN all humility complaining, ſheweth unto your moſt excellent Majeſty your loyal and dutiful Commons now in Parliament aſſembled, That whereas by the fundamental Laws of this Realm every Freeman hath, and of right ought to have, a full and abſolute propriety in his Goods and Eſtate, and that therefore the billeting and placing the Souldiers in the houſe of any ſuch Freeman againſt his will, is directly contrary to the ſaid Laws under which we and our Anceſtors have been ſo long and happily governed; yet in apparent violation of the ſaid ancient and undoubted right of all your Majeſties Loyal Subjects of this your Kingdom in general, and to the grievous and inſupportable vexation and detriment of many Counties and perſons in particular, a new and almoſt unheard of way hath been invented and put in practice, to lay Souldiers upon them, ſcattered in companies here and there, even in the heart and bowels of this Kingdom; and to compel many of your Majeſties Subjects to receive and lodge them in their own houſes, and both themſelves and others to contribute toward the maintenance of them, to the exceeding great diſſervice of your Majeſty the general terror of all, and utter undoing of many your People; in ſomuch as we cannot ſufficiently recount, nor in any way proportionable to the lively ſence that we have of our Miſeries herein, are we able to repreſent unto your Majeſty the innumerous miſchiefs and moſt grievous vexations, that by this means alone we do now ſuffer, whereof we will not preſume to trouble your ſacred ears with particular inſtances, only moſt gracious Sovereign, we beg leave to offer to your moſt gracious view a compaſſionate conſideration of a view of them in particular. B C D E

1. The ſervice of Almighty God is hereby greatly hindred, the people in many places not daring to repair to the Church, leſt in the mean time the Souldiers ſhould rifle their houſes.

2. The ancient and good government of the Countrey is hereby neglected, and almoſt contemned.

3. Your Officers of Juſtice in performance of their duties have been reſiſted and endangered.

4. The Rents and Revenues of your Gentry greatly and generally diminiſhed; Farmers to ſecure themſelves from the Souldiers inſolence, being by the Clamor of Solicitation of their fearful and injured Wives and Children, enforced to give up their wonted dwellings, and to retire themſelves into places of more ſecure habitation. F

5. Husband-

4 *Caroli.*

5. Husbandmen, that are as it were the hands of the Country corrupted by ill example of the Souldiers, and encouraged to idle life, give over work, and rather seek to live idly at another mans charges, than by their own labours.

6. Trades-men and Artificers almost discouraged, and being inforced to leave their Trades, and to imploy their time in preserving themselves and their families from cruelty.

A 7. Markets unfrequented, and our ways grown so dangerous, that the people dare not pass to and fro upon their usual occasions.

8. Frequent Robberies, Assaults, Batteries, Burglaries, Rapes, Rapines, Murders, Barbarous Cruelties, and other most abominable vices and outrages are generally complained of from all parts where these Companies have been and had their abode, few of which insolencies have been so much as questioned, and fewer according to their demerit punished.

B These and many other lamentable effects (most dread and dear Soveraign) have by the billeting of Souldiers already fallen upon us your loyal Subjects, tending no less to the disservice of your Majesty, than to their impoverishing and destruction, so that thereby they are exceedingly disabled to yield your Majesty those Supplies for your urgent occasions, which they heartily desire; and yet they are further perplexed with apprehension of more approaching danger, one in regard of

C your Subjects at home, the other of enemies from abroad; in both which respects it seems to threaten no small Calamity to the meaner sort of your People, being exceeding poor, whereof in many places are great Multitudes, and therefore in times of more setled and most constant administration of Justice, not easily ruled, are most apt upon this occasion to cast off the reins of Government, and by joining themselves with those disordered Soldiers are very like to fall into Mutiny and Rebellion; which in faithful discharge of our duties we cannot

D forbear most humbly to present to your high and excellent Wisdom, being pressed with probable fears that some such mischief will shortly ensue, if an effectual and speedy course be not taken to remove out of the Land, or otherwise to disband those unruly Companies.

For the second, we do most humbly beseech your Majesty to take into your Princely consideration, that many of those Companies, besides their dissolute dispositions and carriages, are such as do openly profess themselves Papists, and therefore to be suspected, that if occasion serve,

E they will rather adhere to a forreign Enemy of that Religion, than to your Majesty, their liege Lord and Soveraign, especially some of their Captains and Commanders, being as Popishly affected as themselves and having served in the Wars on the part of the King of Spain, and Arch-Dutchess against your Majesties Allies; which of what pernicious consequence it may prove, and how prejudicial to the safety of your Kingdom, we leave to your Majesties high and Princely wisdom.

F And now upon these, and many more which might be alledged, most weighty and important Reasons grounded on the maintenance of the Worship and Service of Almighty God, the continuance and advancement of your Majesties high honor and profit, the preservation of the ancient and undoubted Liberties of your People, and therein of Justice, Industry, Valour, which nearly

An. 1628. concern the glory and happineſs of your Majeſty, and all your Subjects and the preventing of calamity and ruine both of Church and Commonwealth:

We your Majeſties moſt humble and loyal Subjects, the Knights, Citizens and Burgeſſes of your Houſe of Commons, in the name of all the Commonalty of your Kingdom, who are upon this occaſion moſt miſerably diſconſolate and afflicted, proſtrate at the Throne of your Grace and Juſtice do moſt ardently beg a preſent remove of this inſupportable Burden, and that your Majeſty would be graciouſly pleaſed to ſecure us from the like preſſure in the time to come.

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To

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4 *Caroli.*

To the Speakers Speech and this Petition his Majeſty made this Reply.

'MR. Speaker and Gentlemen, When I ſent you my laſt Meſſage, I did not expect a Reply, for I intended it to haſten you, I told
A 'you at your firſt Meeting this time was not to be ſpent in words, and I 'am ſure it is leſs fit for diſputes, which if I had a deſire to entertain, Mr. 'Speakers Preamble might have given me ground enough: The queſtion 'is not now, what liberty you have in diſpoſing of matters handled in 'your Houſe, but rather at this time what is fit to be done.

'Wherefore I hope you will follow my example, in eſchewing Diſpu-'tations, and fall to your important buſineſs. You make a Proteſtation 'of your affection and Zeal to my Prerogative, grounded upon ſuch good
B 'and juſt Reaſons, that I muſt believe you: But I look that you uſe me 'with the like charity, to believe what I have declared more than once 'ſince your meeting with us, that I am as forward as you for the neceſſity 'and preſervation of your true Liberties. Let us not ſpend ſo much time 'in this that may hazard both my Prerogative and your Liberties to our 'Enemies.

'To be ſhort, go on ſpeedily with your buſineſs without any more 'Apologies, for time calls faſt on you, which will neither ſtay for you
C 'nor me: Wherefore it is my duty to haſten, as knowing the neceſ-'ſity of it, and yours to give credit to what I ſay, as to him that ſits at 'the Helm.

'For what concerns your Petition, I ſhall make Anſwer in a conve-'nient time.

Martial Law debated.

FRom this time to the 25*th* of the ſame Month, the Houſe, in a Grand Committee ſpent moſt of their time in debate about Martial Law,
D and part thereof in giving the Lords a Meeting at two Conferences, concerning ſome Reſolves, in order to a Petition of Right tranſmitted by the Commons to their Lordſhips; at which time Sir *Robert Heath* and Serjeant *Aſhley* in his Diſcourſe, ſaid, The Propoſitions made by the Commons tended rather to an Anarchy than a Monarchy: 2. That if they be yielded unto, it is to put a Sword into the Kings hand with one hand and to take it out with the other. 3. That they muſt allow the King to govern by Acts of State, otherwiſe he is a King without a Coun-
E cil, or a Council without a power. 4. That the queſtion is too high to be determined by Law, where the Conqueror or Conquered will ſuffer irreparable loſs. For which expreſſions the Lords called the Serjeant to an account, and committed him to cuſtody, and afterwards he recanted what he ſaid.

Serjeant *Aſhley* queſtioned for ſome words.

F

Friday

An. 1628.

Friday 25 of April.

The Lords had a Conference with the Commons, where the Lord Archbiſhop of Canterbury *ſpake as followeth*

Gentlemen of the Houſe of Commons,

Archbiſhops Speech at a Conference concerning the Petition of Right.

'THe ſervice of the King and ſafety of the Kingdom, do call on my 'Lords to give all ſpeedy expedition, to diſpatch ſome of theſe 'great and weighty Buſineſſes before us. For the better effecting where-'of my Lords have thought fit to let you know, that they do in general 'agree with you, and doubt not but you will agree with us, to the beſt 'of your powers to maintain and ſupport the fundamental Laws of 'the Kingdom, and the fundamental Liberties of the Subject: For the 'particulars which may hereafter fall into debate, they have given me in 'charge to let you know, That what hath been preſented by you unto 'their Lordſhips, they have laid nothing of it by, they are not out of 'love with any thing that you have tendred unto them; They have 'Voted nothing, neither are they in love with any thing procceding 'from themſelves: For that which we ſhall ſay and propoſe, is out of 'an intendment to invite you to a mutual and free Conference, that you 'with a confidence may come to us, and we with confidence may ſpeak 'with you; ſo that we may come to a concluſion of thoſe things which 'we both unanimouſly deſire.

'We have reſolved of nothing, deſigned or determined of nothing, 'but deſire to take you with us, praying help from you, as you have 'done from us.

'My Lords have thought of ſome Propoſitions, which they have or-'dered to be read here, and then left with you in Writing, That if it ſeem 'good to you, we may uniformly concur for the ſubſtance; and if you 'differ, that you would be pleaſed to put out, add, alter, or diminiſh, as 'you ſhall think fit, that ſo we may come the better to the end, that we 'do both ſo deſirouſly embrace.

Then the Propoſitions following were read by the Clerk of the upper Houſe.

Propoſitions tendred to the Commons by the Lords, touching the Petition of Right.

THat his Majeſty would be pleaſed graciouſly to Declare, That the good old Law called *Magna Charta*, and the ſix Statutes conceived to be Declarations and Explanations of that Law, do ſtill ſtand in force to all intents and purpoſes.

2. That his Majeſty would be pleaſed graciouſly to Declare, That according to *Magna Charta*, and the Statutes afore-named, as alſo according to the moſt ancient Cuſtoms and Laws of this Land, every free Subject of this Realm, hath a fundamental Propriety in his Goods, and a fundamental Liberty of his Perſon.

3. That his Majeſty would be graciouſly pleaſed to Declare, That it is his Royal pleaſure to ratifie and confirm unto all and every his Loyal and faithful

faithful Subjects, all their ancient, ſeveral, juſt Liberties, Priviledges, and Rights, in as ample and beneficial manner to all intents and purpoſes, as their Anceſtors did enjoy the ſame under the beſt of his moſt noble Progenitors. 4 *Caroli.*

4. That his Majeſty would be further pleaſed graciouſly to Declare, for the good content of the Loyal Subjects, and for the ſecuring them from future fear, That in all Caſes within the Cognizances of the Common Law concerning the Liberties of his Subject, his Majeſty would proceed according to the Common Law of this Land, and according to the Laws eſtabliſhed in the Kingdom, and in no other manner or wiſe.

5. As touching his Majeſties Royal Prerogative, intrinſical to his Soveraignty, and betruſted him withal from God, *ad communem totius populi ſalutem, & non ad deſtructionem*, That his Majeſty would reſolve not to uſe or divert the ſame, to the prejudice of any his loyal People in the propriety of their Goods, or liberty of their Perſons: And in caſe, for the ſecurity of his Majeſties Royal Perſon, the common ſafety of his People, or the peaceable Government of this Kingdom, his Majeſty ſhall find juſt cauſe for reaſon of State to impriſon or reſtrain any mans Perſon, his Majeſty would graciouſly Declare, That within a convenient time he ſhall, and will expreſs the cauſe of the Commitment or reſtraint, either General or Special; and upon a cauſe ſo expreſſed, will leave him immediately to be tried according to the common Juſtice of the Kingdom.

After the reading of the Propoſitions, the Archbiſhop ſaid.

THis is but a Model to be added unto, altered, or diminiſhed, as in your reaſons and wiſdoms ye ſhall think fit, after ye have communicated the ſame to the reſt of the Members of the Houſe.

To this Speech Sir Dudley Diggs, *it being at a free Conference, made Reply.*

Sir *Dudley Digges* replies to his Speech.

'MY Lords it hath pleaſed God many ways to bleſs the Knights, Citizens, and Burgeſſes now aſſembled in Parliament, with great 'comfort and ſtrong hopes, that this will prove as happy a Parliament 'as ever was in *England*. And in their Conſultations for the ſervice of his 'Majeſty, and the ſafety of this Kingdom, our ſpecial comforts and ſtrong 'hopes have riſen from the continued good reſpect, which your Lordſhips 'ſo nobly from time to time have been pleaſed to ſhew unto them, par-'ticularly at this preſent in your ſo honourable profeſſion to agree with 'them in general, and deſiring to maintain and ſupport the fundamental 'Laws and Liberties of *England*.

'The Commons have commanded me in like ſort to aſſure your Lord-'ſhips they have been, are and will be as ready to propugn the juſt Pre-'rogative of his Majeſty, of which in all their Arguments, ſearches of Re-'cords, and Reſolutions they have been moſt careful according to that 'which formerly was, and now again is proteſted by them.

'Another

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'Another noble argument of your honourable diſpoſition towards 'them is expreſſed in this, That you are pleaſed to expect no preſent 'Anſwer from them, who are (as your Lordſhips in your great wiſdoms, 'they doubt not have conſidered) a great Body that muſt adviſe upon 'all new Propoſitions, and reſolve upon them before they can give an- 'ſwer, according to the ancient Order of their Houſe. But it is manifeſt 'in general (God be thanked for it) there is a great concurrence of affe- 'ction to the ſame end in both Houſes, and ſuch good Harmony, that I 'intreat your Lordſhips leave to borrow a Compariſon from Nature, or 'natural Philoſophy: As two Lutes well ſtrung and tuned brought to- 'gether, if one be play'd on, little ſtraws and ſticks will ſtir upon the 'other, though it lye ſtill; ſo though we have no power to reply, yet 'theſe things ſaid and propounded cannot but work in our hearts, and we 'will faithfully report theſe Paſſages to our Houſe, from whence in due 'time (we hope) your Lordſhips ſhall receive a contentful Anſwer.

A

B

The Commons were not ſatisfied with theſe Propoſitions, which were conceived to choak the Petition of Right, then under conſideration, but demurred upon them.

C

D

E

Monday

F

4 *Caroli.*

Monday, 28 April.

The Lord Keeper ſpake to both Houſes of Parliament by the King's command, who was then preſent.

A

The Lord Keepers Speech to both Houſes, concerning Supply, by the Kings command.

'MY Lords, and ye the Knights, Citizens, and Burgeſſes of the Houſe
'of Commons, ye cannot but remember the great and important
'Affairs, concerning the ſafety both of State and Religion, declared firſt
'from his Majeſty's own mouth, to be the cauſes of the aſſembling of this
'Parliament; the ſenſe whereof, as it doth daily increaſe with his Maje-
'ſty, ſo it ought to do, and his Majeſty doubts not but it doth ſo with
B 'you, ſince the danger increaſeth every day, both by effluxion of time,
'and preparations of the Enemy.

'Yet his Majeſty doth well weigh, that this expence of time hath been
'occaſioned by the Debate which hath ariſen in both Houſes touching
'the Liberty of the Subject; in which, as his Majeſty takes in good part
'the purpoſe and intent of the Houſes, ſo clearly and frequently profeſ-
'ſed, that they would not diminiſh or blemiſh his juſt Prerogative, ſo he
'preſumes, that ye will all confeſs it a point of extraordinary Grace and
C 'Juſtice in him, to ſuffer it to reſt ſo long in diſpute without interrupti-
'on: but now his Majeſty, conſidering the length of time which it hath
'taken, and fearing nothing ſo much as any future loſs of that, whereof
'every hour and minute is ſo precious; and foreſeeing, that the ordinary
'way of Debate, though never ſo carefully husbanded, in regard of the
'Form of both Houſes, neceſſarily takes more time than the Affairs of
'Chriſtendom can permit; his Majeſty, out of great Princely care, hath
'thought of this Expedient to ſhorten the buſineſs, by declaring the clear-
D 'neſs of his own heart and intention: And therefore hath commanded me
'to let you know, *That he holdeth the Statute of* Magna Charta, *and the*
'*other Six Statutes inſiſted upon for the Subjects Liberty, to be all in force,*
'*and aſſures you, that he will maintain all his Subjects in the juſt Freedom*
'*of their Perſons, and ſafety of their Eſtates*; *and that he will govern accor-*
'*ding to the Laws and Statutes of this Realm*; *and that ye ſhall find as much*
'*ſecurity in his Majeſty's Royal Word and Promiſe, as in the ſtrength of any*
'*Law ye can make*; *ſo that hereafter ye ſhall never have cauſe to complain.*
E 'The concluſion is, That his Majeſty prayeth God, who hath hitherto
'bleſſed this Kingdom, and put into his heart to come to you this day,
'to make the ſucceſs thereof happy, both to King and People: And
'therefore he deſires, that no doubt or diſtruſt may poſſeſs any man, but
'that ye will all proceed unanimouſly to the buſineſs.

The Commons being returned from the Lords Houſe, Mr. Secretary *Cook* perſwaded them to comply with the King.

F His Majeſty, ſaid he, puts us in mind of the great important Affairs of the State, and of his ſenſe thereof, that by effluxion of time increaſeth in him, and he doubts not but that it doth increaſe in us. Ye ſee his Majeſty's moderation in the interpretation of all our actions; he ſaith, that he hopes we have the ſame ſenſe he hath, he is pleaſed to conſider of the occaſion of expence of time that grew from the Debates in both Houſes. We

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ſee how indulgent he is, that however the Affairs of Chriſtendom are great, yet he omits not this, nay, he takes in good part our Proceedings and our Declarations, that will not impeach the Prerogative: Alſo his Majeſty preſumes that he will confeſs, that he hath uſed extraordinary Grace, in that he hath endured diſpute ſo long, he acknowledgeth it Juſtice to ſtand as we have done.

Further, out of a Princely care of the Publick, he is careful no more time be loſt; and becauſe he ſees ſome extraordinary courſe to be taken to ſatisfie us, he obſerves, that in the form of Debate, ſuch length is required, as the nature of the buſineſs will not endure. It is to be preſumed, that his Government will be according to the Law: We cannot but remember what his Father ſaid, *He is no King, but a Tyrant, that governs not by Law*; but this Kingdom is to be governed by the Common Law, and his Majeſty aſſures us ſo much; the interpretation is left to the Judges, and to his great Council, and all is to be regulated by the Common Law; I mean not *Magna Charta* only, for that *Magna Charta* was part of the Common Law, and the ancient Law of this Kingdom; all our difference is in the Application of this Law, and how this Law, with difference, is derived into every Court. I conceive there are two Rules, the one of Braſs, that is rigid, and will not bend, and that is the Law of the Kings Bench, this Law will not bend: and when it lights on Subjects fitting, if it do not bend, it is unjuſt: And there comes in the Law of Chancery and Equity; this is application of Law in private mens Cauſes, when it comes to *Meum & Tuum*. And thus the general government of Caſes, with relation to the common State of the Kingdom, is from the Council-Board, and there they are to vary from the Law of the Kingdom: Suppoſe it be in time of Dearth, Propriety of Goods may in that time be forced, and be brought to the Market: We ſaw the experience of it in Coals in *London*, and the Council-Board cauſed them to be brought forth and ſold. In a time of Peſtilence men may be reſtrained: If a Schiſm be like to grow in a Church, the State will inquire after the Favourers of it: If there be fear of Invaſion, and it be encouraged by hope of a Party amongſt us, it is in the power of Government to reſtrain men to their houſes.

In the compoſure of theſe things, there is great difference: What differences have been between the Courts of Chancery and Kings Bench? It is hard to put true difference between the Kings Prerogative and our Liberties. His Majeſty ſaw expence of time would be prejudicial; it pleaſed God to move his Majeſty by a Divine hand to ſhew us a way to clear all our difficulties, let us attend to all the parts of it; there be five Degrees, and there is more aſſurance than we could have by any Law whatſoever. His Majeſty declares, That *Magna Charta* and the other Statutes are in force: This is not the firſt time that the Liberty of the Subject was infringed, or was in debate and confirmed; all times thought it ſafe, that when they came to a Negative of Power, it was hard to keep Government and Liberty together; but his Majeſty ſtopped not there, but according to the ſenſe of theſe Laws, That he will govern his Subjects in their juſt Liberties, he aſſures us our Liberties are juſt, they are not of Grace, but of Right; nay, he aſſures us, he will govern us according to the Laws of the Realm, and that we ſhall find as much ſecurity in his Majeſties Promiſe, as in any Law we can make; and whatſoever Law we ſhall make, it muſt come to his Majeſty's allowance; and if his Majeſty find cauſe in his Government, he may not put life to it: We daily ſee all Laws are broken, and all Laws will be broke for the Publick Good, and the King may pardon all Offenders; his

4 *Caroli.*

his Majeſty did ſee, that the beſt way to ſettle all at unity, is to expreſs his own heart: The King's heart is the beſt guider of his own promiſe, his promiſe is bound with his own heart. What Prince can expreſs more care and wiſdom?

Laſtly, he ſaith, That hereafter ye ſhall never have the like cauſe to complain: May we not think the breach is made up? is not his Majeſty engaged in his Royal word?

A The concluſion is full of weight: and he prays God, that as God hath bleſſed this Kingdom, and put it into his heart to come amongſt us, ſo to make this day ſucceſsful. *The wrath of a King is like the roaring of a Lion*, and all Laws with his wrath are to no effect; but *the King's favour is like the dew upon the graſs*, there all will proſper; and God made the Inſtruments to unite all hearts.

His Majeſty having thus diſcharged himſelf, he prays us to proceed to the buſineſs that ſo much concerns him. As his Majeſty hath now ſhewed

B himſelf the beſt of Kings, let us acknowledge his Majeſty's goodneſs, and return to that union which we all deſire.

But this motion was not received with general acceptation; and Sir *Benjamin Rudyard* replyed to it in theſe words.

Sir *Ben. Rudyard's* Speech concerning that motion.

'WE are now upon a great buſineſs, and the manner of handling it 'may be as great as the buſineſs it ſelf. Liberty is a precious 'thing, for every man may ſet his own price upon it, and he that doth not

C 'value it, deſerves to be valued accordingly: For my own part, I am clear 'without ſcruple, that what we have reſolved, is according to the Law; 'and if any Judge in *England* were of a contrary opinion, I am ſure we 'ſhould have heard of him ere now; out of all queſtion, the very ſcope 'and drift of *Magna Charta* was to reduce the Regal to a Legal power, 'in matter of Impriſonment, or elſe it had not been worthy ſo much 'contending for.

'It is true, That the King ought to have a truſt repoſed in him, God

D 'forbid but he ſhould, and I hope it is impoſſible to take it from him; for 'it lies not in the wit of man to deviſe ſuch a Law, as ſhall comprehend 'all particulars, all accidents, but that extraordinary Cauſes may happen, 'which when they come, if they be diſpoſed of for the common good, 'there will be no Law againſt them; yet muſt the Law be general, for 'otherwiſe, Admiſſions and Exceptions will fret and eat out the Law to 'nothing. God himſelf hath conſtituted a general Law of Nature, to go-

E 'vern the ordinary courſe of things, he hath made no Law for Miracles; 'yet there is this obſervation of them, that they are rather *præter naturam*, 'than *contra naturam*, and always *propter bonos fines*: So the King's Pre-'rogatives are rather beſides the Law, than againſt it; and when they 'are directly to their ends for the publick good, they are not only con-'curring Laws, but even Laws in ſingularity and excellency.

'But to come nearer, let us conſider where we are now, what ſteps we 'have gone and gained; the King's Learned Council have acknowledg-'ed all the Laws to be ſtill in force, the Judges have not allowed any

F 'Judgment againſt theſe Laws; the Lords alſo have confeſſed, that the 'Laws are in full ſtrength; they have further retained our reſolutions 'intire, and without prejudice.

'All this hitherto is for our advantage; but above all, his Majeſty hath 'this day (himſelf being publickly preſent) declared by the mouth of the 'Lord Keeper, before both the Houſes, That *Magna Charta* and the other

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'ſix Statutes, are ſtill in force; That he will maintain his Subjects in the 'Liberties of their Perſons, and Properties of their Goods; That he will 'govern them according to the Laws of the Kingdom; this is a ſolemn 'and binding ſatisfaction, expreſſing his gracious readineſs to comply with 'his People in their reaſonable and juſt deſires. The King is a good Man, 'and it is no diminution to a King, to be called ſo; for whoſoever is a 'good Man, ſhall be greater than a King, that is not ſo. The King certain- 'ly is very tender of his preſent Honour, and of his Fame hereafter: A 'he will think it hard to have a worſe mark ſet upon him, then upon 'any of his Anceſtors, by extraordinary reſtraints: His Majeſty hath al- 'ready intimated unto us by a Meſſage, That he doth willingly give way 'to have the abuſe of Power reformed; by which I do verily believe he 'doth very well underſtand, what a miſerable Power it is, which hath 'produced ſo much weakneſs to himſelf, and to the Kingdom; and it is 'one hapineſs, that he is ſo ready to redreſs it.

'For mine own part, I ſhall be very glad to ſee that old decrepit Law B 'Magna Charta, which hath been kept ſo long, and lien bed-rid, as it were, 'I ſhall be glad to ſee it walk abroad again with new vigour and luſtre, 'attended and followed with the other ſix Statutes: queſtionleſs it will 'be a great heartning to all the People. I doubt not, but upon a deba- 'ting Conference with the Lords, we may happily fall upon a fair, fit 'accomodation, concerning the Liberty of our Perſons, and Propriety 'of our Goods. I hope we may have a Bill, to agree in the point a- 'gainſt impriſonment for Loans or Privy Seals: As for intrinſical power C 'and reaſon of State, they are matters in the Clouds, where I deſire we 'may leave them, and not meddle with them at all, leſt by the way of 'admittance, we may loſe ſomewhat of that which is our own already: 'Yet this by the way I will ſay of Reaſon of State, That in the latitude 'by which it is uſed, it hath eaten out almoſt, not only the Laws, but 'all the Religion of Chriſtendom.

'Now I will only remember you of one Precept, and that of the wiſeſt 'man, *Be not over wiſe, be not over juſt:* and he gives his reaſon, *for* D '*why wilt thou be deſolate?*

'If Juſtice and Wiſdom may be ſtretch'd to deſolation, let us thereby 'learn, that Moderation is the Virtue of Virtues, and Wiſdom of Wiſ- 'doms. Let it be our Maſter-piece ſo to carry the buſineſs, that we may 'keep Parliaments on foot: For as long as they be frequent, there will 'be no irregular Power, which though it cannot be broken at once, yet 'in ſhort time it will be made and mouldred away; there can be no to- 'tal or final loſs of Liberties, as long as they laſt; what we cannot get at E 'one time, we ſhall have at another.

A Comittee ordered to draw up a Bill in order to the Petition of Right.

Upon this debate it was ordered, that a Committee of Lawyers do draw a Bill, containing the ſubſtance of *Magna Charta*, and the other Statutes, that do concern the Liberty of the Subject: which buſineſs took up two whole days.

Thurſday, *the Firſt of* May. F

Mr. Secretary *Cook* brings a Meſſage to rely on the King's word.

'MR. Secretary *Cook* delivers a Meſſage from his Majeſty, *viz.* to 'know whether the Houſe will reſt on his *Royal Word*, or no, de- 'clared to them by the Lord Keeper; which if they do, he aſſures them 'it ſhall be Royally performed.

Upon

4 *Caroli.*

Upon this there was a ſilence for a good ſpace: Then Mr. Secretary *Cook* proceeded. 'This ſilence invites me to a further Speech, and further to 'addreſs my ſelf: Now we ſee we muſt grow towards an iſſue; for my 'part, how confident I have been of the good iſſue of this Parliament, I 'have certified in this place, and elſewhere, and I am ſtill confident there- 'in; I know his Majeſty is reſolved to do as much as ever King did for 'his Subjects: all this Debate hath grown out of a ſenſe of our ſufferings, A 'and a deſire to make up again thoſe Breaches that have been made.

'Since this Parliament begun, hath there been any diſpence made of that 'which hath ſo formerly been done? when means were denied his Majeſty, 'being a young King, and newly come to his Crown, which he found inga- 'ged in a War, what could we expect in ſuch *Neceſſities*? His Majeſty called 'this Parliament to make up the breach: his Majeſty aſſures us we ſhall 'not have the like cauſe to complain: he aſſures the Laws ſhall be eſtabli- 'ſhed, what can we deſire more? all is, that we provide for Poſterity, and B 'that we do prevent the like ſuffering for the future; were not the ſame 'means provided by them before us? can we do more? we are come to 'the Liberty of the Subjects, and the Prerogative of the King, I hope we 'ſhall not add any thing to our ſelves, to depreſs him. I will not divine, I 'think we ſhall find difficulty with the King, or with the Lords, I ſhall not 'deliver my opinion as Counſellor to his Majeſty, which I will not juſti- 'fie and ſay here, or at the Council board. Will we in this neceſſity ſtrive 'to bring our ſelves into a better condition, and greater Liberty, than C 'our Fathers had, and the Crown into a worſe than ever? I dare not ad- 'viſe his Majeſty to admit of that: If this that we now deſire to be no In- 'novation, it is all contained in thoſe Acts and Statutes, and whatſoever 'elſe we would add more, is a diminution to the King's Power, and an 'addition to our own. We deal with a wiſe and prudent Prince, that hath 'a Sword in his hand for our good, and this good is ſupported by Power. 'Do not think, that by Caſes of Law and Debate we can make that not 'to be Law, which in experience we every day find neceſſary: make D 'what Law you will, if I do not diſcharge the place I bear, I muſt com- 'mit men, and muſt not diſcover the cauſe to any Jaylor or Judge; if I by 'this Power commit one without juſt cauſe, the burthen falls heavy on 'me, by his Majeſties diſpleaſure, and he will remove me from my place. 'Government is a ſolid thing and muſt be ſupported for our good.

Sir *Robert Philips* hereupon ſpake thus:

'That if the words of Kings ſtrike impreſſions in the hearts of Subjects, E 'then do theſe words upon this occaſion ſtrike an impreſſion into the hearts 'of us all: to ſpeak in a plain language, we are now come to the end of our 'journey, and the well diſpoſing of an Anſwer to this Meſſage, will give 'happineſs or miſery to this Kingdom. Let us ſet the Common-wealth of '*England* before the eyes of his Majeſty, that we may juſtifie our ſelves, 'that we have demeaned our ſelves dutifully to his Majeſty.

And ſo the day following they had further Debate upon that matter, the Houſe being turned into a Grand Committee, and Mr. *Herbet* in the F Chair.

Some ſay, that the Subject has ſuffered more in the violation of antient Liberties within theſe few years, than in Three hundred years before, and therefore care ought to be taken for the time to come.

Sir *Edw. Cook* ſaid, That that *Royal Word* had reference to ſome meſſage formerly ſent; his Majeſties word was, That they may ſecure themſelves any

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any way, by Bill or otherwiſe, he promiſed to give way to it; and to the end that this might not touch his Majeſty's Honour, it was propoſed, that the Bill come not from the Houſe, but from the King: We will and grant for us and our Succeſſors, and that we and our Succeſſors will do thus and thus; and it is the Kings Honour, he cannot ſpeak but by Record.

Others deſired the Houſe to conſider, when and where the late promiſe was made; was it not in the face of both Houſes? Cruel Kings have been careful to perform their promiſes, yea, though they have been unlawfull, as *Herod.* Therefore if we reſt upon his Majeſty's promiſe, we may aſſure our ſelves of the performance of it: Beſides, we bind his Majeſty by relying on his word: we have Laws enough, it is the execution of them that is our life, and it is the King that gives life and execution.

Sir *Thomas Wentworth:*

Sir *Thomas Wentworth* concluded the Debate, ſaying, 'That never 'Houſe of Parliament truſted more in the goodneſs of their King, for 'their own private, than the preſent; but we are ambitious that his Ma- 'jeſty's goodneſs may remain to Poſterity, and we are accomptable to a 'publick truſt: and therefore ſeeing there hath been a publick violation 'of the Laws by his Miniſters, nothing will ſatisfie him but a publick 'amends; and our deſire to vindicate the Subjects Right by Bill, are no 'more then are laid down in former Laws, with ſome modeſt Proviſion 'for Inſtruction, Performance and Execution.

Which ſo well agreed with the ſenſe of the Houſe, that they made it the Subject of a Meſſage to be delivered by the Speaker to his Majeſty.

The King gives notice to both Houſes, that he intends ſhorly to end this Seſſion

AMidſt thoſe deliberations, another Meſſage was delivered from his Majeſty by Mr. Secretary *Cook*; 'That howſoever we proceed in this 'buſineſs we have in hand, which his Majeſty will not doubt, but to be ac- 'cording to our conſtant profeſſion, and ſo as he may have cauſe to give 'us thanks; yet his Reſolution is, that both his Royal care, and hearty 'and tender affection towards all his loving Subjects, ſhall appear to the 'whole Kingdom, and all the World, that he will govern us according to 'the Laws and Cuſtoms of this Realm; that he will maintain us in the Li- 'berties of our Perſons, and Proprieties of our Goods, ſo as we may enjoy 'as much happineſs as our Forefathers in their beſt times; & that he will 'rectifie what hath been, or may be found amiſs amongſt us, ſo that here- 'after there may be no juſt cauſe to complain. Wherein as his Majeſty 'will rank himſelf amongſt the beſt of Kings, and ſhew he hath no inten- 'tion to invade or impeach our lawful Liberties, or Right; ſo he will 'have us to match our ſelves with the beſt Subjects, not by incroaching 'upon that Sovereignty or Prerogative, which God hath put into his 'hands for our good, but by containing our ſelves within the Bounds and 'Laws of our Forefathers, without reſtraining them, or enlarging them 'by new Explanations, Interpretations, Expoſitions, or Additions in any 'ſort, which, he t el leth us, he will not give way unto.

'That the weight of the affairs of the Kingdom, and Chriſtendom, do 'preſs him more and more, and that the time is now grown to that point 'of maturity, that it cannot endure long debate or delay; ſo as this Seſ- 'ſion of Parliament muſt continue no longer than *Tueſday* come Seven- 'night at the furtheſt: In which time his Majeſty, for his part, will be 'ready to perform what he promiſed; and if the Houſe be not as ready 'to do that is fit for themſelves, it ſhall be their own faults.

'And upon aſſurance of our good diſpatch and correſpondence, his Ma- 'jeſty

4 *Caroli.*

'jeſty declareth, that his Royal intention is to have another Seſſion of 'Parliament at *Michaelmas* next, for the perfecting of ſuch things as can-'not now be done.

This Meſſage was debated the next day, being *Saturday, May* 30. whereupon Sir *John Elliot* ſpake to this effect.

Sir *John Elliot.*

A The King, ſaith he, will rank himſelf with the beſt of Kings, and therefore he would have us to rank our ſelves with the beſt Subjects; we will not incroach upon that Soveraignty that God hath put into his hands: This makes me fear his Majeſty is mis-informed in what we go about, ler us make ſome enlargement, and put it before him, that we will not make any thing new: As for the time of this Seſſion, it is but ſhort, and look how many Meſſages we have, ſo many interruptions, and mis-reports, and mis-repreſentations to his Majeſty produce thoſe Meſſages.

Sir *Miles Fleetwood* continues the Debate, and ſaid, That this buſineſs is of great importance, we are to accommodate this: The breach of this B Parliament will be the greateſt miſery that ever befell us; the eyes of Chriſtendom are upon this Parliament, the ſtate of all our Proteſtant Friends are ready to be ſwallowed up by the Emperors Forces, and our own Kingdom is in a miſerable ſtrait, for the defence of our Religion that is invaded by the Romiſh Catholicks, by the colour of a Commiſſion, which is intolerable; the defence of our Realm by Shipping is decayed, the Kings Revenue is ſold and gone; where ſhall the relief be obtained but in Parliament? Now we are in the way, let us proceed by way of Bill, in pur[illegible]uance C of the Kings Meſſage, to eſtabliſh the Fundamental Laws in Propriety of our Goods, and Liberty of our Perſons: It was declared to us, that courſes by Loan and Impriſonment were not lawful; let us touch them in our Bill, and that all Precedents and Judgments ſeeming to the contrary, be void; and that all Commitments againſt the Law be remedied, and that we be protected againſt the fear of Commitments.

In concluſion, the Commons agree to an Anſwer to all the preceding Meſſages, and preſent it to the King by the mouth of their Speaker.

D

The Speakers Speech to the King, in Anſwer to ſeveral Meſſages.

Moſt Gracious and Dread Sovereign,

The Speakers Speech to the King in anſwer to ſeveral Meſſages.

'YOur Loyal and Obedient Subjects, the Commons now aſſembled in 'Parliament, by ſeveral Meſſages from your Majeſty, and eſpecially E 'by that your Declaration, delivered by the Lord Keeper before both 'Houſes, have, to their exceeding joy and comfort, received many ample 'expreſſions of your Princely care and tender affections towards them, 'with a gracious promiſe and aſſurance, that your Majeſty will govern 'according to the Laws of this Realm, and ſo maintain all your Subjects 'in the juſt freedom of their Perſons, and ſafety of their Eſtates, that all 'their Rights and Liberties may be by them enjoyed with as much free-'dom and ſecurity in their time, as in any age heretofore by their Ance-F 'ſtors, under the beſt of your Progenitors: For this ſo great a favour en-'larged, by a comfortable intimation of your Majeſties confidence in the 'Proceedings of this Houſe, they do, by me their Speaker, make a full re-'turn of moſt humble thanks to your Majeſty, with all dutiful acknow-'ledgment of your Grace and Goodneſs herein extended unto them.

'And whereas in one of thoſe Meſſages delivered from your Majeſty, 'there

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'there was an expreſſion of your deſire to know, whether this Houſe 'would reſt upon your Royal Word and Promiſe, aſſuring them, that if 'they would, it ſhould be Royally and really performed: As they again 'preſent their humble thanks for the ſeconding and ſtrengthning of your 'former Royal expreſſions, ſo in all humbleneſs they aſſure your Majeſty, 'that their greateſt confidence is, and ever muſt be in your Grace and 'Goodneſs, without which, they well know, nothing that they can frame 'or deſire, will be of ſafety or value to them: Therefore are all hum- A
'ble Suitors to your Majeſty, that your Royal Heart will graciouſly ac- 'cept and believe the truth of theirs, which they humbly preſent as full 'of truth and confidence in your Royal Word and Promiſe, as ever Houſe 'of Commons repoſed in any of their beſt Kings.

'True it is, they cannot but remember the Publick Truſt, for which 'they are accomptable to preſent and future times; and their deſires are, 'That your Majeſty's Goodneſs might, in Fruit, and Memory, be the 'Bleſſing and Joy of Poſterity. B

'They ſay alſo, That of late there hath been publick violation of the 'Laws, and the Subjects Liberties, by ſome of your Majeſties Miniſters, 'and thence conceive, that no leſs than a publick remedy will raiſe the 'dejected hearts of your loving Subjects to a chearful ſupply of your Ma- 'jeſty, or make them receive content in the proceedings of this Houſe.

'From thoſe conſiderations, they moſt humbly beg your Majeſties leave 'to hold of that gracious offer of yours, which gave them aſſurance, 'that if they thought fit to ſecure themſelves in their Rights and Liber- C.
'ties, by way of Bill, or otherwiſe, ſo it might be provided with due re- 'ſpect to Gods Honour, and the publick Good, you would be graciouſly 'pleaſed to give way unto it. Far from their intentions it is any way 'to incroach upon your Sovereignty or Prerogative; nor have they the 'leaſt thought of ſtretching or enlarging the former Laws in any ſorts 'by any new Interpretations or Additions; the bounds of their deſires 'extend no further, than to ſome neceſſary explanation of that which is 'truly comprehended within the juſt ſenſe and meaning of thoſe Laws, D
'with ſome moderate proviſion for execution and performance, as in 'times paſt upon like occaſion hath been uſed.

'The way how to accompliſh theſe their humble deſires, is now in 'ſerious conſideration with them, wherein they humbly aſſure your Ma- 'jeſty, they will neither loſe time, nor ſeek any thing of your Majeſty, 'but that they hope may be fit for dutiful and loyal Subjects to ask, and 'for a gracious and juſt King to grant.

E

His Majeſties Anſwer was delivered by the Lord Keeper.

His Majeſties Anſwer to the Speakers Speech.

MR. Speaker, and you Gentlemen of the Houſe of Commons, his Ma- jeſty hath commanded me to tell you, that he expected an Anſwer by your Actions, and not delay by Diſcourſe: ye acknowledge this truſt F
and confidence in your proceedings, but his Majeſty ſees not how you re- quite him by your confidence of his Word and Actions: For what need Explanations, if ye doubted not the performance of the true meaning? For Explanations will hazard an incroachment upon his Prerogative. And it may well be ſaid, What need a new Law to confirm an old, if you re-

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poſe confidence in the Declaration his Majeſty made by me to both Houſes; and our ſelves acknowledge, that your greateſt truſt and confidence muſt be in his Majeſties Grace and Goodneſs, without which nothing ye can frame will be of ſafety, or avail to you: Yet to ſhew clearly the ſincerity of his Majeſties intentions, he is content that a Bill be drawn for a confirmation of *Magna Charta*, and the other ſix Statutes inſiſted upon for the Subjects Liberties, if ye ſhall chuſe that as the beſt way, but ſo as it may be without Additions, Paraphraſes, or Explanations. 4 *Caroli.*

Thus if you pleaſe you may be ſecured from your needleſs fears, and this Parliament may have a happy wiſhed for end: whereas by the contrary, if you ſeek to tye your King by new, and indeed impoſſible bonds you muſt be accomptable to God and the Country for the ill ſucceſs of this Meeting. His Majeſty hath given his Royal Word, that ye ſhall have no cauſe to complain hereafter: leſs than which hath been enough to reconcile Great Princes, and therefore ought much more to prevail between a King and his Subjects.

Laſtly, I am commanded to tell you that his Majeſties pleaſure is, That without further Replies or Meſſages, or other unneceſſary delays, ye do what ye mean to do ſpeedily, remembring the laſt Meſſage that Secretary *Cook* brought you in point of time: his Majeſty always intending to perform his promiſe to his power.

Mr. Secretary *Cook* brings another Meſſage to rely on the King's word.

NOtwithſtanding the intimation of his Majeſties good pleaſure for a Bill, Mr. Secretary *Cook*, *Tueſday May* 6. again preſſed the Houſe to rely on the Kings word, ſaying, 'That he had rather follow others 'than begin to enter into this buſineſs: loſs of time hath been the greateſt 'complaint; the matter fallen now into conſideration, is what way to 'take, whether to rely on his Majeſties Word, or on a Bill: If we will 'conſider the advantage we have in taking his Majeſties Word it will be 'of the largeſt extent, and we ſhall chuſe that that hath moſt Aſſurance; 'an Act of Parliament is by the conſent of the King and Parliament, but 'this Aſſurance by Word, is that he will govern us by the Laws; the King 'promiſes that, and alſo that they ſhall be ſo executed; that we ſhall enjoy 'as much freedom as ever: this contains many Laws, and a grant of all 'good Laws; nay, it contains a confirmation of thoſe very Laws, Aſſu-'rance, which binds the King further than the Law can; Firſt it binds his 'affection which is the greateſt bond between King and Subject, and that 'binds his Judgment alſo, nay, his Honour, and that not at home but a-'broad; the Royal Word of a King is the Ground of all Treaty; nay it 'binds his Conſcience: this confirmation between both houſes is in na-'ture of a Vow; for my part I think it is the greateſt advantage to rely 'on his Majeſties Word. He further added, this Debate was fitter to be 'done before the Houſe, and not before the Committee, and that it was a 'new Courſe to go to a Committee of the whole Houſe.

Sir *John Elliot.*

Whereunto it was replied by Sir *John Elliot*, That the proceedings in a Committee, is more honourable and advantageous to the King and the Houſe, for that way leads moſt to Truth, and it is a more open way, and where every man may add his reaſon, and make anſwer upon the hearing of other mens Reaſons and Arguments.

This being the general Senſe, the Houſe was turned into a Committee to take into conſideration what was delivered to the King by the Speaker and what was delivered to them by the Lord Keeper, and all other Meſ-

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ſages, and the Committee was not to be bounded with any former order: the Key was brought up, and none were to go out without leave firſt asked.

Sir *Edward Cook.*

In the Debate of this buſineſs at the Committee, ſome were for letting the Bill reſt: but Sir *Edward Cook's* reaſons prevailed to the contrary. 'Was it ever known (ſaid he) that general words were a ſufficient ſatisfa-'ction to particular grievances? was ever a verbal Declaration of the A 'King, *Verbum Regni?* When grievances be, the Parliament is to redreſs 'them. Did ever Parliament rely on Meſſages? They put up Petitions of 'their Grievances, and the King ever anſwered them; the Kings Anſwer 'is very gracious, but what is the Law of the Realm, that is the queſtion. 'I put no diffidence in his Majeſty, the King muſt ſpeak by a Record, and 'in Particulars, and not in General: Did you ever know the Kings 'Meſſage come into a Bill of Subſidies? All ſucceeding Kings will ſay, 'Ye muſt truſt me as well as ye did my Predeceſſors, and truſt my Meſſa- B 'ges; but Meſſages of love never came into a Parliament. Let us put up 'a Petition of Right: Not that I diſtruſt the King, but that I cannot 'take his Truſt, but in a Parliamentary way.

On *Thurſday* 8 *Maii*, the Petition of Right was finiſhed, and the Clauſe of Martial Law was added unto it, and it was delivered to the Lords at a Conference for their Concurrence; the which Conference was managed by Sir *Edward Cook*, and the ſame day, as to the matter of Supply, order- ed, that the two firſt Subſidies ſhould be paid 10 of *July*, one more 12 C of *October*, another on 20 of *Decemb.* and the laſt 1 of *March.*

AT the Conference, Sir *Edward Cook* thus expreſſed himſelf: 'My 'Lords, it is evident what neceſſity there is, both in reſpect of your 'ſelves, and your Poſterities, to have good ſucceſs in this buſineſs: We 'have acquainted your Lordſhips with the Reaſons and Arguments, and 'after we have had ſome Conference, we have received from your Lord- 'ſhips Propoſitions; and it behoves me to give your Lordſhips ſome D 'reaſons, why you have not heard from us before now; for in the mean 'time, as we were conſulting of this weighty buſineſs, we have received 'divers Meſſages from our great Sovereign the King, and they conſiſted 'of Five parts.

'1. That his Majeſty would maintain all his Subjects in their juſt free- 'dom, both of their Perſons and Eſtates.

'2. That he will govern according to his Laws and Statutes.

'3. That we ſhould find much confidence in the Royal Word; I pray E 'obſerve that.

'4. That we ſhall enjoy all our Rights and Liberties, with as much 'freedom as ever any Subjects have done in former times.

'5. That whether we ſhall think it fit, either by Bill or otherwiſe, to go 'on in this great buſineſs, his Majeſty would be pleaſed to give way to it.

'Theſe gracious Meſſages did ſo work upon our affections, that we 'have taken them into deep conſideration. My Lords, when we had theſe 'Meſſages (I deal plainly, for ſo I am commanded by the Houſe of Com- F 'mons) we did conſider what way we might go for our more ſecure way, 'nay yours; we did think it the ſafeſt way to go in a Parliamentary courſe, 'for we have a Maxim in the Houſe of Commons, and written on the 'Walls of our Houſe, That old ways are the ſafeſt and ſureſt ways: And 'at laſt we did fall upon that, which we did think (if that your Lordſhips

'did

4 *Caroli.*

'did conſent with us) it is the moſt ancient way of all, and that is, my 'Lords, *via fauſta*, both to Majeſty, to your Lordſhips, and to our ſelves: 'For, my Lords, this is the greateſt Bond that any Subject can have in 'open Parliament, *Verbum Regis*, this is an high point of Honour, but 'this ſhall be done by the Lords and Commons, and aſſented to by the 'King in Parliament; this is the greateſt obligation of all, and this is for 'the Kings honour, and our ſafety: Therefore, my Lords, we have A 'drawn a form of a Petition, deſiring your Lordſhips to concur with us 'therein; for we do come with an unanimous conſent to all the Houſe 'of Commons, and there is great reaſon your Lordſhips ſhould do ſo, for 'your Lordſhips be involv'd in the ſame danger. And ſo I have done 'with the firſt part: And I ſhall now deſire your Lordſhips leave, that 'I may read that which I have ſo agreed on.

Here the Petition of Right was read; but we forbear to inſert it as yet, becauſe there were Propoſitions for alteration; and it is not perfect, B till the Royal aſſent be given to it.

From the Eighth to the Twelfth of *May*, all publick buſineſſes were laid aſide. On *Monday* the Twelfth, the Lords had a Conference with the Commons, where the Lord Keeper made this Speech.

Gentlemen of the Houſe of Commons,

Lord Keepers Speech communicating a Letter from the King.

C 'MY Lords, having a moſt affectionate deſire to maintain that good 'concurrence, that in this Parliament and others have been of late 'between both Houſes, deſired this Conference, to acquaint you, how, 'and in what manner, they have proceeded in the Petition of Right that 'came from this Houſe; and to let you know, that as ſoon as they have 'received it, they, with all care and expedition they poſſibly could, ad-'dreſſed themſelves to conſider thereof; and after good time ſpent in 'Debate in the whole Houſe, they made a Committee to conſider, whe-'ther retaining of the ſubſtance of the Petition, there might not be ſome D 'words altered or put in to make it more ſweet, to procure it a paſſable 'way to his Majeſty; we know this muſt be Crowned by the King, and 'good muſt come to all the Kingdom by this courſe now taken. The 'Committee hath met, and hath propounded ſome ſmall matters to be 'altered in ſome few words, to make it paſſable, and not in ſubſtance. 'And the Lords having this reported from their Committee, and heard 'it read in their Houſe, reſolved of nothing till they have your conſent, 'yet they think it fitter to have it propounded to you, to conſider whe-E 'ther there ſhould be any alteration or no, and how the propounded 'alterations may ſtand with your liking.

'Concerning the Commitment by the King and the Council, without 'expreſſing the cauſe, it was reſolved by the Lords to debate it this 'morning, and as ſoon as they ſhould have debated it, they purpoſed to 'have your concurrence with them before they reſolved it; but at in-'ſtant when they thought to have debated it, they received a Letter 'from his Majeſty, which, they conceive, will give a ſatisfaction to both F 'Houſes in the main point. My Lords, deſiring to keep that good con-'currence begun, deſired to communicate that Letter unto you, that 'you might take the ſame into your conſiderations, as they mean to do 'themſelves: This Letter is to be read unto you.

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To the Right Truſty and Right Well-beloved, the Lords Spiritual and Temporal of the Higher Houſe of Parliament.

Carolus Rex,

His Majeſties Letter.

WE being deſirous of nothing more than the advancement of the Peace and Proſperity of our People, have given leave to free Debate upon the higheſt Points of our Prerogative Royal, which, in the time of our Predeceſſors, Kings and Queens of this Realm, were ever reſtrained as matters that they would not have diſcuſſed; and in other things we have been willing ſo far to deſcend to the deſires of our good Subjects, as might fully ſatisfie all moderate minds, and free them from all juſt fears and jealouſies, which thoſe Meſſages which we have hitherto ſent into the Commons Houſe, will well demonſtrate unto the World; yet we find it ſtill inſiſted upon, that in no caſe whatſoever, ſhould it never ſo nearly concern matters of State or Government, we, or our Privy-Council, have no power to commit any man without the cauſe ſhewed; whereas it often happens, that ſhould the cauſe be ſhewed, the ſervice it ſelf would thereby be deſtroyed and defeated, and the cauſe alledged muſt be ſuch as may be determined by our Judges of our Courts of Weſtminſter, in a legal and ordinary way of Juſtice; whereas the cauſes may be ſuch, as thoſe Judges have not capacity of Judicature, nor Rules of Law to direct and guide their Judgment in caſes of that tranſcendent nature; which happning ſo often, the very incroaching on that conſtant Rule of Government, for ſo many Ages, within this Kingdom practiſed, would ſoon diſſolve the very Foundation and Frame of our Monarchy. Wherefore as to our Commons, we made fair Propoſitions, which might equally preſerve the juſt Liberty of the Subject: ſo, my Lords, we have thought good to let you know, that without the overthrow of Sovereignty, we cannot ſuffer this Power to be impeached; notwithſtanding, to clear our Conſcience and juſt intentions, this we publiſh, That it is not in our heart, nor will we ever extend our Royal Power, lent unto us from God, beyond the juſt rule of Moderation, in any thing which ſhall be contrary to our Laws and Cuſtoms, wherein the ſafety of our People ſhall be our only aim. And we do hereby declare our Royal pleaſure and reſolution to be, which, God willing, we ſhall ever conſtantly continue and maintain, That neither we, nor our Privy-Council, ſhall or will, at any time hereafter, commit or command to Priſon, or otherwiſe reſtrain the Perſon of any for not lending Money to us, nor for any juſt cauſe, which in our Conſcience doth not concern the publick good and ſafety of us and our People, we will not be drawn to pretend any cauſe, wherein our Judgment and Conſcience is not ſatisfied with; baſe thoughts, we hope, no man can imagine will fall into our Royal breaſt; and that in all caſes of this nature, which ſhall hereafter happen, we ſhall, upon the humble petition of the Party, or addreſs of our Judges unto us, readily and really expreſs the true cauſe of their Commitment or Reſtraint, ſo ſoon as with conveniency and ſafety the ſame is fit to be diſcloſed and expreſſed; and that in all Cauſes Criminal, of ordinary Juriſdiction, our Judges ſhall proceed to the Deliverance or Bailment of the Priſoner, according to the known and ordinary Rules of the Laws of this Land, and according to the Statutes of Magna Charta, and thoſe other Six Statutes inſiſted upon, which

we

we do take knowledge ſtand in full force, and which we intend not to abrogate and weaken, againſt the true intention thereof. This we have thought fit to ſignifie, the rather to ſhorten any long Debate upon this great queſtion, the ſeaſon of the year being ſo far advanced, and our great occaſions of State not lending many more days for longer continuance of this Seſſion of Parliament. 4 *Caroli.*

Given under our Signet at our Palace at *Weſtminſter*, 20 *Maii*, the Fourth year of our Reign.

The ſame day the Kings Letter was communicated to the Houſe of Commons, they laid it aſide, and Sir *Thomas Wentworth* ſaid it was a Letter of Grace, but the People will only like of that which is done in a Parliamentary way; beſides, the Debate of it would ſpend much time, neither was it directed to the Houſe of Commons; and the Petition of Right would clear all miſtakes: For (ſaid he) ſome give it out, as if the Houſe went about to pinch the Kings Prerogative. But the further debate of this matter took up ſeveral days.

May 17. The Lords propounded at a Conference, an Addition to be made to the Petition of Right, which was delivered by the Lord Keeper, to this purpoſe:

The Lords Propoſition at a Conference, about an addition to the Petition of Right.

'THat whereas at the laſt Conference of both Houſes, there were ſome 'things propounded that came from their Lordſhips, out of a deſire 'the Petition might have the eaſier paſſage with his Majeſty, not intending 'to violate in any manner the ſubſtance of the Petition, but it was then 'thought fit, that there was another part of the Petition, of as great im- 'portance and weight: My Lords, ſince the time of that Conference, 'have imploy'd themſelves wholly to reduce the Petition to ſuch a frame 'and order, that may give both to you and them hope of acceptance.

'And after many deliberations, and much advice taken, my Lords have 'reſolved to repreſent to you ſomething which they have thought upon, 'yet not as a thing concluſive to them or you; and according to their 'deſires (having mentioned it in the beginning) have held it fit to con- 'clude of nothing, till that you be made acquainted with it, and that there 'may be a mature adviſement between you and them, ſo that there may 'be the happier concluſion in all their buſineſs.

'This being the determination of the Lords, that nothing that is now 'offered unto you ſhould be concluſive, yet they thought it convenient 'to preſent it unto you.

'This alteration (and not alteration) but addition, which they ſhall 'propound unto you, to be adviſed and conferred upon, which is no breach 'of the ſame, they think it meet, if it ſhall ſtand with your liking, to be 'put in the concluſion of the Petition, which I ſhall now read unto you.

The Lords addition to the Petition of Right.

WE preſent this our humble Petition to your Majeſty, with the care not only of preſerving our own Liberties, but with due regard to leave intire that Sovereign Power wherewith your Majeſty is truſted for the Protection, Safety, and Happineſs of the People.

'This is the thing the Lords do preſent unto you, this Subject of 'this Conference concerning the adding of this in the concluſion of the 'Petition, and that they know that this is the new, and that you cannot 'preſently give an Anſwer to it; therefore they deſire that you do with

'ſome

An. 1628. ſome ſpeed conſider of it, and their Lordſhips will be ready this afternoon.

This Addition produced ſeveral Speeches.

Mr. *Alford.* 'LEt us look (ſaid he) into the Records, and ſee what they are, what 'is Sovereign Power? *Bodin* ſaith, That it is free from any Condi- 'tion, by this we ſhall acknowledge a Regal as well as a Legal Power: 'Let us give that to the King that the Law gives him, and no more. A

Mr. *Pimme.* 'I Am not able to ſpeak to this queſtion, I know not what it is: All our 'Petition is for the Laws of *England*, and this Power ſeems to be an- 'other diſtinct Power from the Power of the Law: I know how to add 'Sovereign to his Perſon, but not to his Power: And we cannot leave to 'him a Sovereign Power: Alſo we never were poſſeſſed of it.

Mr. *Hackwell.* 'WE cannot admit of thoſe words with ſafety, they are applicable to 'all the parts of our Petition: It is in the nature of a Saving, and B 'by it we ſhall imply, as if we had incroached on his Prerogative; all the 'Laws we cite are without a Saving: and yet now after the violation of 'them, we muſt add a Saving: Alſo I have ſeen divers Petitions, and where 'the Subject claimed a Right, there I never ſaw a Saving of this nature.

Sir *Edward Cook.* 'THis is *magnum in parvo*, this is propounded to be a concluſion of our 'Petition: It is a matter of great weight; and, to ſpeak plainly, it will C 'overthrow all our Petition; it trenches to all parts of it: It flies at Loans, 'and at the Oath, and at Impriſonment, and Billeting of Soldiers; this 'turns all about again. Look into all the Petitions of former times, they 'never petitioned, wherein there was a Saving of the Kings Sovereign- 'ty: I know that Prerogative is part of the Law, but Sovereign Power 'is no Parliamentary word: In my opinion, it weakens *Magna Charta*, 'and all our Statutes; for they are abſolute without any ſaving of Sove- 'reign Power: And ſhall we now add it, we ſhall weaken the Founda- D 'tion of Law, and then the Building muſt needs fall; take we heed what 'we yield unto, *Magna Charta* is ſuch a Fellow, that he will have no So- 'vereign. I wonder this Sovereign was not in *Magna Charta*, or in the 'Confirmations of it: If we grant this, by implication we give a Sove- 'reign Power above all theſe Laws: Power in Law, is taken for a Power 'with force: The Sheriff ſhall take the Power of the County, what it 'means here, God only knows: It is repugnant to our Petition, that is E 'a Petition of Right, grounded on Acts of Parliament: Our Predeceſ- 'ſors could never endure a *Salvo jure ſuo*, no more than the Kings of old 'could endure for the Church, *Salvo honore Dei & Eccleſiæ*: We muſt 'not admit of it, and to qualifie it is impoſſible: Let us hold our Pri- 'viledges according to the Law; that Power that is above this, is not 'fit for the King and People to have it diſputed further. I had rather, 'for my part, have the Prerogative acted, and I my ſelf to lie under it, 'than to have it diſputed. F

Sir *Thomas Wentworth.* 'IF we do admit of this Addition, we ſhall leave the Subject worſe than 'we found him, and we ſhall have little thanks for our labour when we 'come home: Let us leave all Power to his Majeſty, to puniſh Malefactors, 'but theſe Laws are not acquainted with Sovereign Power, we deſire no

'new

4 *Caroli.*

'new thing, nor do we offer to trench on his Majeſties Prerogative, we may not recede from this Petition, either in part or in whole.

Mr. *Noy.*

'TO add a Saving is not ſafe, doubtful words may beget ill conſtruction; and the words are not only doubtful words, but words unknown to us, and never uſed in any Act or Petition before.

Mr. *Selden.*

A 'LEt us not go too haſtily to the Queſtion, ſaid Mr. *Selden:* If there 'be any Objections, let any propound them, and let others anſwer 'them as they think good: If it hath no reference to our Petition, what 'doth it here? I am ſure all others will ſay it hath reference, and ſo muſt 'we: how far it doth exceed all examples of former times, no man can 'ſhew me the like: I have made that ſearch that fully ſatisfies me, and 'I find not another beſides 28 of *Eliz.* We have a great many Petitions, 'and Bills of Parliament in all Ages, in all which we are ſure no ſuch B 'thing is added: That Clauſe of the 28 of *Edw.* 1. it was not in the Petition, but in the Kings Anſwer.

'In *Magna Charta* there were no ſuch Clauſes, the Articles themſelves 'are to be ſeen in a Library at *Lambeth*, in a Book of that time, upon which 'the Law was made. There was none in the Articles in King *John*'s time, 'for theſe I have ſeen, there is no Saving. In the Statutes of *Confirmatio* 'Chartarum, is a Saving, *les Antients Aids*, that is, for *file marier, & pur* 'faire fitz Chivalier, and for ranſome. And in the Articles of King *John* in C 'the Original Charter, which I can ſhew, there thoſe three Aids were named therein, and they were all known: In the 25 of *Edw.* 3. there is a 'Petition againſt Loans, there is no Saving, and ſo in others: As for that 'Addition in the 28 of *Edw.* 1. do but obſerve the Petitions after *Magna* 'Charta, as 5 *Edw.* 3. they put up a Petition, whereas in *Magna Charta* it 'is contained, That none be impriſoned, but by due proceſs of Law; thoſe 'words are not in *Magna Charta*, and yet there is no Saving; and ſo in the '28 of *Edw.* 3. and 36 and 37 and 42 of *Edw.* 3. all which paſs by Peti- D 'tion, and yet there is no Saving in them: And there are in them other 'words that are not in *Magna Charta*, and yet no Saving.

'For that that Mr. Speaker ſaid, The King was our heart, and ever ſhall 'be; but we then ſpake of the Kings Prerogative by it ſelf, and we are 'bound to ſay ſo: But ſpeaking of our Rights, ſhall we ſay we are not to 'be impriſoned, ſaving but by the Kings Sovereign Power? Say my Lands '(without any Title) be ſeized in the Kings hand, and I bring a Petition 'of Right, and I go to the King and ſay, I do by no means ſeek your Maje- E 'ſties Right and Title; and after that, I bring a Petition or *Monſtrance de* 'droit, ſetting forth my own Right and Title, and withall ſet down a Saving, that I leave intire his Majeſties Right, it would be improper. It was 'objected, That in the 28 of *Edw.* 1. in the end of *Articuli ſuper Chartas*, 'which was a confirmation of *Magna Charta*, and *Charta de Foreſta*, in the 'end there is a Clauſe, *Savant le droit & Signiory*; the words are extant 'in that Roll that is now extant, but the Original Roll is not extant.

'In the 25 *E.* 3. there was a confirmation of the Charter in the 27 *E.* 3. F 'The Parliament was called, and much ſtir there was about the Charter, and 'renewing the Articles; but then little was done. In 28 *E.* 1. the Commons 'by Petition or Bill, did obtain the Liberties and Articles at the end of the 'Parliament, they were extracted out of the Roll, and proclaimed abroad; 'the addition was added in the Proclamation: in the Bill there was no *ſavant* 'but afterwards it was put in: and to prove this, it is true, there is no Par-

'liament

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'liament Roll of that year, yet we have Hiſtories of that time: In the Li-
'brary at *Oxford* there is a Journal of a Parliament of that very year which
'mentions ſo much; alſo in the publick Library at *Cambridge* there is a
'Manuſcript that belonged to an Abby, it was of the ſame year 28 *E.* 1.
'and it mentions the Parliament and the Petitions, and *Articulos quos pe-*
'tierunt ſic confirmaverit Rex ut in fine adderet, Salvo jure Coronæ Regis,
'and they came by Proclamation in *London* when the people heard this
'Clauſe added in the end, they fell into execration for that Addition; A
'and the great Earls that went away ſatisfied from the Parliament hear-
'ing of this, went to the King, and after it was cleared at the next Parlia-
'ment. Now there is no Parliament Roll of this of that time, only in one
'Roll in the end of *E.* 3. there is a Roll that recites it.

The Lords afterwards at a Conference tendred Reaſons to fortifie their Addition: which were briefly reported; That the Lord Keeper ſaid,

'THat the Lords were all agreed to defend and maintain the juſt Li- B
'berties of the Subject, and of the Crown, and that the word (Leave)
'was debated amongſt them; and thereby they meant to give no new, but
'what was before: for the words, *Soveraign Power*, as he is a King he is
'a Sovereign, and muſt have Power; and he ſaid the words were eaſier
'than the *Prerogative:* As for the word (that) which is a relative, and
'referred to *that Power*, that is for the ſafety of the People; and this, ſaid
'he, can never grieve any man: being thus publiſhed it is not Sovereign
'Power in general, but now in confutation of our Reaſons, he ſaith, C
'*Magna Charta* was not with a Saving; but, ſaid he, You purſue not the
'words in *Magna Charta*, and therefore it needs an Addition.

'As for the 28 of *E.* 3. he ſaid there was a ſaving, and an ill expoſition
'cannot be made of this, and both Houſes have agreed it in ſubſtance al-
'ready, the Commons did it in a Speech delivered by our Speaker, and
'that we ſay we have not a thought to incroach on the Kings Soveraign-
'ty; and why may you not add it in your Petition.

Upon this Report Mr. *Maſon* readily ſpake his opinion in manner fol- D
lowing.

'IN our Petition of Right to the Kings Majeſty, we mention the Laws
'and Statutes, by which it appeared, That no Tax, Loan or the like,
'ought to be levied by the King, but by common aſſent in Parliament:
'That no Freeman ought to be impriſoned but by the Law of the Land;
'That no Freeman ought to be compelled to ſuffer Souldiers in his houſe.
'In the Petition we have expreſſed the breach of theſe Laws, and deſire we E
'may not ſuffer the like; all which we pray as our Rights and Liberties.

'The Lords have propoſed an addition to this Petition, in theſe words.

WE humbly preſent this Petition to your Majeſty, not only with a care of our own Liberties, but with a due regard to leave intire that Soveraign Power **wherewith your Majeſty is intruſted for the Protection, Safety, and Happineſs of your People.** F

'And whether we ſhall conſent unto this addition, is the ſubject of this
'days diſcourſe: and becauſe my Lord Keeper at the Conference declared
'their Lordſhips had taken the words of the Petition apart, I ſhall do ſo
'too. The word (Leave) in a Petition, is of the ſame nature as (Saving) in
'a Grant, or Act of Parliament; when a man grants but part of a thing he

'ſaves

4 *Caroli.*

'ſaves the reſt; when he petitions to be reſtored but to part, he leaveth 'the reſt: Then in the end of our Petition the word [*Leave*] will imply, 'that ſomething is to be left of that, or at leaſt with a reference to what 'we deſire.

'The word [*Intire*] is very conſiderable, a Conqueror is bound by no 'Law, but hath power *dare Leges*, his Will is a Law; and although *Wil-* A 'liam the Conqueror, at firſt, to make his way to the Crown of *England* 'the more eaſie, and the poſſeſſion of it more ſure, claimed it by Title; but 'afterward when there were no powerful Pretenders to the Crown, the 'Title of Conqueſt (to introduce that abſolute power of a Conqueror) 'was claimed, and that Statute of *Magna Charta*, and other Statutes mentio- 'ned in our Petition, do principally limit that Power. I hope it is as lawful 'for me to cite a Jeſuite, as it is for Doctor *Manwaring* to falſifie him; *Sua-* 'res, in his firſt Book, *de Legibus*, *cap.* 17. delivered his opinion in theſe 'words, *Amplitudo & reſtrictio poteſtatis Regum circa ea quæ per ſe, mala* B 'vel injuſta non ſunt, pendet ex arbitrio hominum & ex ambigua conventione 'vel pacto inter reges & regnum. And he farther expreſſeth his opinion, 'That the King of *Spain* was ſo abſolute a Monarch, that he might impoſe 'Tribute without conſent of his People, until about two hundred years 'ſince, when it was concluded between him and his People, that without 'conſent of his People by Proxies, he ſhould not impoſe any Tribute. 'And *Suares* opinion is, That by that agreement, the Kings of *Spain* are 'bound to impoſe no Tribute without conſent.

'And this Agreement that Author calls a reſtraining of that Sovereign C 'Power, the Statutes then mentioned in our Petition, reſtraining that ab- 'ſolute Power of Conqueror; if we recite thoſe Statutes, and ſay, we leave 'the Sovereign Power entire, we do take away that reſtraint which is the 'vertue and ſtrength of thoſe Statutes, and ſet at liberty the claim of the 'Sovereign Power of a Conqueror, which is to be limited and reſtrained 'by no Laws: This may be the danger of the word [*Intire.*]

'The next word delivered by the Lords as obſervable, is the Particle D '[*That*] becauſe it was ſaid, That all Sovereign Power is not mentioned 'to be left, but only (that) with which the King is truſted for our pro- 'tection, ſafety, and happineſs: But I conceive this to be an exception of 'all Sovereign Power; for all Sovereign Power in a King, is for the pro- 'tection, ſafety, and happineſs of his People: If all Sovereign Power be 'excepted, you may eaſily judge the conſequence, all Loans and Taxes 'being impoſed by colour of that Sovereign Power.

'The next word is [*Truſted*] which is very ambiguous, whether it be E 'meant truſted by God only as a Conqueror, or by the People alſo, as 'King, which are to govern alſo according to Laws, *ex pacto.* In this 'point I will not preſume to adventure further, only I like it not, by rea- 'ſon of the doubtful Expoſition it admits. I have likewiſe conſidered the 'Propoſition it ſelf, and therein I have fallen upon the Dilemma, that this 'addition ſhall be conſtrued either to refer unto the Petition, or not: If it 'do refer unto the Petition, it is meerly uſeleſs and unneceſſary, and unbe- 'fitting the judgment of this grave and great Aſſembly to add to a Peti- F 'tion of this weight. If it hath reference unto it, then it deſtroys not 'only the vertue and ſtrength of our Petition of Right, but our Rights 'themſelves; for the addition being referred to each part of the Petition, 'will neceſſarily receive this conſtruction: That none ought to be compel- 'led to make any Gift, Loan, or ſuch like charge, without common conſent 'or Act of Parliament, unleſs it be by the Sovereign Power, with which

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'the King is truſted for the Protection, Safety, and Happineſs of his 'People.

'That none ought to be compelled to ſojourn or billet Souldiers, unleſs 'by the ſame Sovereign Power, and ſo of the reſt of the Rights contained 'in the Petition: And then the moſt favourable conſtruction will be, that 'the King hath an ordinary Prerogative, and by that he cannot impoſe 'Taxes, or Impriſon; that is, he cannot impoſe Taxes at his will, to im- 'ploy them as he pleaſeth; but that he hath an extraordinary and tran- A 'ſcendent Sovereign Power for the protection and happineſs of his peo- 'ple, and for ſuch purpoſe he may impoſe Taxes, or billet Souldiers, as he 'pleaſeth; and we may aſſure our ſelves, that hereafter all Loans, Taxes, 'and billeting of Soldiers, will be ſaid to be for the protection, ſafety, and 'happineſs of the People; certainly hereafter it will be conceived, that an 'Houſe of Parliament would not have made an unneceſſary addition to 'this Petition of Right, and therefore it will be reſolved, That the Addi- 'tion hath relation to the Petition, which will have ſuch operation as I B 'have formerly declared; and I the rather fear it, becauſe the late Loan 'and Billeting have been declared to have been by Sovereign Power for 'the good of our ſelves; and if it be doubtful whether this Propoſition 'hath reference to the Petition or not, I know who ſhall judge whether 'Loans or Impriſonments hereafter be by that Sovereign Power or not?

'A Parliament, which is made a Body of ſeveral Writs, and may be diſ- 'ſolved by one Commiſſion, cannot be certain to decide this queſtion. 'We cannot reſolve that, that the Judges ſhall determine the words of the C 'Kings Letter read in this Houſe, expreſſing the cauſe of Commitment 'may be ſuch, that the Judges have not capacity of Judicature, no Rules 'of Law to direct and guide their Judgments in Caſes of that tranſcen- 'dent nature, the Judges then, and the Judgments, are eaſily conjectured; 'it hath been confeſſed by the Kings Council, that the Statute of *Magna* '*Charta* binds the King, it binds his Sovereign Power; and here is an 'Addition of Saving the Kings Sovereign Power: I ſhall endeavour to 'give ſome Anſwer to the Reaſons given by the Lords. D

'The firſt is, That it is the intention of both Houſes, to maintain the 'juſt Liberty of the Subject, and not to diminiſh the juſt Power of the 'King; and therefore the expreſſion of that intention in this Petition, 'cannot prejudice us. To which I anſwer,

'Firſt, That our intention was, and is, as we then profeſſed, and no 'man can aſſign any Particular in which we have done to the contrary; 'neither have we any way tranſgreſſed in that kind in this Petition: and 'if we make this Addition to the Petition, it would give ſome intimati- E 'on, that we have given cauſe or colour of offence therein; which we 'deny, and which if any man conceive ſo, let him aſſign the Particular, 'that we may give anſwer thereunto.

'By our Petition, we only deſire our particular Rights and Liberties 'to be confirmed to us; and therefore it is not proper for us in it to 'mention Sovereign Power in general, being altogether impertinent to 'the matter in the Petition.

'There is a great difference between the words of the Addition, and F 'the words propoſed therein, for reaſon, *viz.* between juſt Power which 'may be conceived to be limited by Laws, and Sovereign Power, which 'is ſuppoſed to be tranſcendent and boundleſs.

The ſecond Reaſon delivered by their Lordſhips, was, That the King 'is Sovereign; that as he is Sovereign, he hath Power, and that that

'Sovereign

4 *Caroli.*

'Sovereign Power is to be left: for my part, I would leave it ſo as not to 'mention it, but if it ſhould be expreſſed to be left in this Petition, as it is 'propoſed, it muſt admit ſomething to be left in the King of what we 'pray, or at leaſt admit ſome Sovereign Power in his Majeſty, in theſe 'Priviledges which we claim to be our Right, which would fruſtrate our 'Petition, and deſtroy our Right, as I have formerly ſhewed.

'The third Reaſon given from this Addition, was, That in the Statute A 'of *Articuli ſuper Chartas*, there is a ſaving of the *Seigniory* of the Crown.

'To which I give theſe Anſwers, That *Magna Charta* was confirmed 'above Thirty times, and a general Saving was in none of theſe Acts of 'Confirmation, but in this only; and I ſee no cauſe we ſhould follow 'one ill, and not thirty good Precedents; and the rather, becauſe that 'Saving produced ill effects, that are well known.

'That Saving was by Act of Parliament; the concluſion of which Act B 'is, That in all thoſe Caſes the King did well, and all thoſe that were at 'the making of that Ordnance did intend, that the Right and *Seigniory* 'of the Crown ſhould be ſaved: By which it appears, that the Saving was 'not in the Petition of the Commons, but added by the King; for in the 'Petition, the Kings will is not expreſſed.

'In that Act the King did grant, and depart with, to his People, divers 'Rights belonging to his Prerogative; as in the firſt Chapter he granted, 'That the People might chuſe three men, which might have power to 'hear and determine Complaints, made againſt thoſe that offended in any C 'point of *Magna Charta*, though they were the Kings Officers, and to Fine 'and Ranſome them: And in the 8. 12. and 19 Chapter of that Statute, 'the King departed with other Prerogatives; and therefore there might 'be ſome reaſon of the adding of, that Sovereign, by the Kings Council: 'But in this Petition we deſire nothing of the Kings Prerogative, but 'pray the enjoying of our proper and undoubted Rights and Priviledges; 'therefore there is no cauſe to add any words, which may imply a Sa- 'ving of that which concerns not the matter in the Petition.

'The fourth reaſon given by their Lordſhips, was, That by the mouth D 'of our Speaker we have this Parliament declared, That it was far from 'our intention to incroach upon his Majeſties Prerogative, and that 'therefore it could not prejudice us, to mention the ſame reſolution in 'an Addition to this Petition.

'To which I anſwer, That that Declaration was a general Anſwer to 'a Meſſage from his Majeſty to us, by which his Majeſty expreſſed, that 'he would not have his Prerogative ſtraitned by any new Explanation of E '*Magna Charta*, or the reſt of the Statutes: and therefore that expreſſion 'of our Speakers was then proper, to make it have reference to this Petiti- 'on, there being nothing therein contained but particular Rights of the 'Subject, and nothing at all concerning his Majeſties Prerogative.

'Secondly, That Anſwer was to give his Majeſty ſatisfaction of all our 'proceedings in general, and no man can aſſign any particular, in which 'we have broken it; and this Petition juſtifies it ſelf, that in it we have 'not offended againſt the Proteſtation: And I know no reaſon but that F 'this Declaration ſhould be added to all our Laws we ſhall agree on 'this Parliament, as well as to this Petition.

'The laſt Reaſon given, was, That we have varied in our Petition from 'the words of *Magna Charta*; and therefore it was very neceſſary, that 'a Saving ſhould be added to the Petition.

'I anſwer, That in the Statute 5 *E.* 3. 25 *E.* 3. 28 *E.* 3. and other

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'Statutes, with which *Magna Charta* is confirmed: the words of the Sta-
'tute of Explanation, differ from the words of *Magna Charta* it ſelf, the
'words of ſome of the Statutes of Explanation being, that no man ought
'to be apprehended, unleſs by Indictment, or due Proceſs of Law; and
'the other Statutes differing from the words of *Magna Charta*, in many
'other particulars, and yet there is no Saving in thoſe Statutes, much leſs
'ſhould there be any in a Petition of Right. Theſe are the Anſwers I have
'conceived to the Reaſons of their Lordſhips, and the Expoſition I ap- A
'prehend muſt be made of the propoſed words, being added to our Pe-
'tition. And therefore I conclude, that in my opinion we may not con-
'ſent to this Addition, which I ſubmit to better Judgments.

The Commons afterwards appointed Mr. *Glanvile* and Sir *Henry Martin*, to manage another Conference to be had with the Lords, concerning the ſaid matter, and to clear the ſenſe of the Commons in that point: The one argued the Legal, the other the Rational part; and though the matter delivered, by the length of it, may ſeem tedious to the Reader, and B
ſome matters, ſpoken of before, repeated again; yet if the Reader obſerve the Language and Stile, as well as the Subject Matter, perhaps it will be no penance unto him.

Mr. Glanvile's *Speech in a full Committee of both Houſes of Parliament,* 23 May, 1628. *in the Painted-Chamber at* Weſtminſter. C

Mr. *Glanvile's* Speech at a Committee of both Houſes, concerning Sovereign Power.

'MY Lords, I have in charge, from the Commons Houſe of Parliament,
'(whereof I was a Member) to expreſs this day before your Lord-
'ſhips ſome part of their clear ſenſe, touching one point that hath occurred
'in the great Debate, which hath ſo long depended in both Houſes.

'I ſhall not need many words to induce or ſtate the queſtion, which I am D
'to handle in this free Conference. The ſubject matter of our meeting is
'well known to your Lordſhips, I will therefore only look ſo far back
'upon it, and ſo far recollect ſummarily the proceedings it hath had, as
'may be requiſite to preſent clearly to your Lordſhips conſiderations,
'the nature and conſequence of that Particular wherein I muſt inſiſt.

'Your Lordſhips may be pleaſed to remember, how that the Commons
'in this Parliament have framed a Petition to be preſented to his Majeſty, E
'a Petition of Right rightly compoſed, relating nothing but truth, deſi-
'ring nothing but Juſtice; a Petition juſtly occaſioned, a Petition ne-
'ceſſary and fit for theſe times, a Petition founded upon ſolid and ſub-
'ſtantial grounds, the Laws and Statutes of this Realm, ſure Rocks to
'build upon; a Petition bounded within due limits, and directed upon
'right ends, to vindicate ſome lawful and juſt Liberties of the free Sub-
'jects of this Kingdom, from the prejudice of violations paſt, and to ſe-
'cure them from future innovations.

'And becauſe my following diſcourſe muſt reflect chiefly, if not wholly F
'upon the matter of this Petition, I ſhall here crave leave ſhortly to o-
'pen to your Lordſhips the diſtinct parts whereof it doth conſiſt, and
'thoſe are four.

'The firſt concerns Levies of Monies, by way of Loans or otherwiſe,
'for his Majeſties ſupply; declaring, that no man ought, and praying that

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'no man hereafter be compelled to make or yield any Gift, Loan, Bene-
'volence, Tax, or ſuch like Charge, without common conſent by Act of
'Parliament.

'2. The ſecond is concerning that Liberty of Perſon, which rightful-
'ly belongs to the free Subjects of this Realm, expreſſing it to be againſt
'the Tenure of the Laws and Statutes of the Land, that any Free-man
'ſhould be impriſoned without cauſe ſhewed; and then reciting how this
A 'Liberty, amongſt others, hath lately been infringed, it concluded with
'a juſt and neceſſary deſire, for the better clearing and allowance of this
'Priviledge for the future.

'3. The third declareth the unlawfulneſs of Billeting or placing Sol-
'diers or Marriners to ſojourn in Free Subjects houſes againſt their wills,
'and prayeth remedy againſt that grievance.

'4. The fourth and laſt aimeth at redreſs touching Commiſſions, to pro-
'ceed to the Trial and Condemnation of offenders, and cauſing them to
B 'be executed and put to death by the Law Marſhal, in times and places;
'when and where, if by the Laws and Statutes of the Land they had de-
'ſerved death, by the ſame Laws and Statutes alſo they might, and by
'none other ought to be adjudged and executed.

'This Petition the careful Houſe of Commons, not willing to omit any
'thing pertaining to their duties, or might advance their moderate and
'juſt ends, did heretofore offer up unto your Lordſhips conſideration,
'accompanied with an humble deſire, That in your Nobleneſs and Ju-
C 'ſtice you would be pleaſed to joyn with them in preſenting it to his
'Majeſty, that ſo coming from the whole Body of the Realm, the Peers
'and People, to him that is head of both, our gracious Sovereign, who
'muſt crown the Work, or elſe all our labour is in vain; it might, by
'your Lordſhips concurrence and aſſiſtance, find the more eaſie paſſage,
'and obtain the better Anſwer.

'Your Lordſhips, as your manner is in caſes of ſo great importance, were
'pleaſed to debate it and weigh it well, and thereupon you propounded to
D 'us ſome few amendments (as you termed them) by way of alteration,
'alledging, that they were only in matters of form, and not of ſub-
'ſtance; and that they were intended to none other end, but to ſweeten
'the Petition, and make it the more paſſable with his Majeſty.

'In this the Houſe of Commons cannot but obſerve that fair and good
'reſpect which your Lordſhips have uſed in your proceedings with them,
'by your concluding or voting nothing in your Houſe, until you had
'imparted it unto them; whereby our meetings about this buſineſs have
E 'been juſtly ſtiled Free Conferences, either Party repairing hither diſ-
'engaged to hear and weigh the other Reaſons, and both Houſes coming
'with a full intention, upon due conſideration of all that can be ſaid on
'either ſide, to joyn at laſt in reſolving and acting that which ſhall be
'found moſt juſt and neceſſary for the honour and ſafety of his Majeſty
'and the whole Kingdom.

'And touching thoſe propounded alterations, which were not many,
'your Lordſhips cannot but remember, that the Houſe of Commons have
F 'yielded to an accommodation, or change of their Petition in two Parti-
'culars, whereby they hope your Lordſhips have obſerved, as well as
'ye may, they have not been affected unto words or phraſes, nor over-
'much abounding in their own ſenſe; but rather willing to comply with
'your Lordſhips in all indifferent things.

'For the reſt of your propoſed amendments, if we do not miſconceive

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'your Lordſhips, as we are confident we do not, your Lordſhips, of your 'ſelves have been pleaſed to relinquiſh them with a new overture, for one 'only Clauſe to be added in the end or foot of the Petition, whereby 'the work of this day is reduced to one ſimple head, whether that Clauſe 'ſhall be received or not?

'This yielding of the Commons in part unto your Lordſhips, of other 'points by you ſomewhat inſiſted upon, giveth us great aſſurance, that 'our ends are one; and putteth us in hope, that, in concluſion, we ſhall A 'concur, and proceed unanimouſly to ſeek the ſame ends, by the ſame 'means.

'The Clauſe propounded by your Lordſhips to be added to the Peti-'tion, is this:

WE humbly preſent this Petition to your Majeſty, not only with a care for preſervation of Liberties, but with a due regard to leave intire that Sovereign Power wherewith your Majeſty is intruſted for the Protection, Safety, and Happineſs of your People. B

'A Clauſe ſpecious in ſhew, and ſmooth in words, but in effect and con-'ſequence moſt dangerous, as I hope to make moſt evident; however, 'coming from your Lordſhips, the Houſe of Commons took it into their 'conſiderations, as became them, and apprehending upon the firſt De-'bate, that it threatened ruine to the whole Petition, they did heretofore C 'deliver ſome Reaſons to your Lordſhips, for which they then deſired 'to be ſpared from admitting it.

'To theſe Reaſons, your Lordſhips offered ſome Anſwers at the laſt 'Meeting; which having been faithfully reported to our Houſe, and 'there debated, as was requiſite for a buſineſs of ſuch weight and im-'portance, I muſt ſay truly to your Lordſhips, yet with due reverence to 'your opinions, the Commons are not ſatisfied with your Arguments; 'and therefore they have commanded me to recollect your Lordſhips D 'Reaſons for this Clauſe, and in a fair Reply to let you ſee the Cauſes 'why they differ from you in opinion.

'But before I come to handle the Particulars wherein we diſſent from 'your Lordſhips, I will in the firſt place take notice yet a little further of 'that general wherein we all concur; which is, That we deſire not (nei-'ther do your Lordſhips) to augment or dilate the Liberties and Privi-'ledges of the Subjects beyond the juſt and due Bounds; nor to incroach 'upon the Limits of his Majeſties Prerogative Royal; and as in this your E 'Lordſhips, at the laſt Meeting, expreſſed clearly your own ſenſes, ſo were 'your Lordſhips not miſtaken in collecting the concurrent ſenſe and 'meaning of the Houſe of Commons; they often have proteſted they 'do, and ever muſt proteſt, That theſe have been, and ſhall be the 'bounds of their deſires, to demand and ſeek nothing, but that which 'may be fit for dutiful and loyal Subjects to ask, and for a gracious and 'juſt King to grant; for as they claim by Laws ſome Liberties for them-'ſelves, ſo they do acknowledge a Prerogative, a high and juſt Preroga-F. 'tive belonging to the King, which they intend not to diminiſh. And 'now, my Lords, being aſſured, not by ſtrained inferences, or obſcure 'collections, but by the expreſs and clear Declarations of both Houſes, 'that our ends are the ſame; it were a miſerable unhappineſs, if we 'ſhould fail in finding out the means to accompliſh our deſires.

'My

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'My Lords, the Heads of thoſe particular Reaſons which you inſiſted
'upon the laſt day, were only theſe:

'Firſt, you told us, that the word [Leave] was of ſuch nature, that it
'could give no new thing to his Majeſty.

'2. That no juſt exception could be taken to the words [Sovereign
'Power] for that as his Majeſty is a King, ſo he is a Sovereign; and as
'he is a Sovereign, ſo he hath Power.

A 3. That the Sovereign Power mentioned in this Clauſe, is not abſo-
'lute or indefinite, but limited and regulated by the Particle [That]
'and the word [Subſequent] which reſtrains it to be applied only for
'Protection, Safety, and Happineſs of the People, whereby ye inferred,
'there could be no danger in the allowance of ſuch Power.

'4. That this Clauſe contained no more in ſubſtance, but the like ex-
'preſſions of our meanings in this Petition, which we had formerly ſigni-
'fied unto his Majeſty by the mouth of Mr. Speaker, that we no way in-
B 'tended to incroach upon his Majeſties Sovereign Power or Prerogative.

'5. That in our Petition we have uſed other words, and of larger extent
'touching our Liberties, than are contained in the Statutes whereon it is
'grounded: In reſpect of which inlargement, it was fit to have ſome ex-
'preſs, or implied Saving, or Narrative, Declaratory for the Kings So-
'vereign Power, of which Narrative alledge this Clauſe to be.

'Laſtly, Whereas the Commons, as a main Argument againſt the Clauſe,
'had much inſiſted upon this, that it was unprecedented, and unparlia-
C 'mentary in a Petition from the Subject, to inſert a Saving for the
'Crown: your Lordſhips brought for inſtance to the contrary the two
'Statutes of the 25 *E.* 1. commonly called, *Confirmatio Chartarum*, and
'28 *E.* 1. known by this name of *Articuli ſuper Chartas*; in both which
'Statutes there are, Saving is for the Kings.

'Having thus reduc'd to your Lordſhips memories, the effects of your own
'reaſons; I will now with your Lordſhips favor, come to the points of our
'Reply, wherein I moſt humbly beſeech your Lordſhips to weigh the Rea-
D 'ſons which I ſhall preſent, not as the ſenſe of my ſelf, the weakeſt Member
'of our Houſe, but as the genuine and true ſenſe of the whole Houſe of
'Commons, conceived in a buſineſs there debated with the greateſt gravi-
'ty and ſolemnity, with the greateſt concurrence of opinions, & unanimity
'that ever was in any buſineſs maturely agitated in that Houſe. I ſhall not
'peradventure follow the method of your Lordſhips recollected Reaſons
'in my anſwering to them, nor labour to urge many reaſons. It is the de-
'ſire of the Commons, that the weight of their Arguments ſhould recom-
E 'penſe (if need be) the ſmallneſs of their number. And, in concluſion, when
'you have heard me through, I hope your Lordſhips ſhall be enabled to
'collect clearly out of the frame of what I ſhall deliver, that in ſome
'part or other of my diſcourſe there is a full and ſatisfactory Anſwer, gi-
'ven to every particular reaſon or objection of your Lordſhips.

'The Reaſons that are now appointed to be preſented to your Lord-
'ſhips, are of two kinds, Legal and Rational, of which theſe of the former
'ſort are allotted to my charge; and the firſt of them is thus.

F 'The Clauſe now under queſtion, if it be added to the Petition, then
'either it muſt refer, or relate unto it, or elſe not; if it have no ſuch re-
'ference, is it not clear that it is needleſs and ſuperfluous? and if it have
'ſuch reference, is it not clear, that then it muſt needs have an operation
'upon the whole Petition, and upon all the parts of it?

'We cannot think that your Lordſhips would offer us a vain thing, and

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'therefore taking it for granted, that if it be added, it would refer to 'the Petition: let me beſeech your Lordſhips to obſerve with me, and 'with the Houſe of Commons, what alteration and qualification of the 'ſame it will introduce.

'The Petition of it ſelf, ſimply, and without this Clauſe, declareth abſo- 'lutely the Rights and Priviledges of the Subject, in divers points; and 'amongſt the reſt touching the Levies of Monies, by way of Loans or 'otherwiſe, for his Majeſties ſupply, That ſuch Loans and other charges A 'of the like nature, by the Laws and Statutes of this Land, ought not to 'be made or laid without common conſent by Act of Parliament: But 'admit this Clauſe to be annexed with reference (to the Petition) and it 'muſt neceſſarily conclude and have this Expoſition, That Loans and the 'like Charges (true it is ordinarily) are againſt the Laws and Statutes of 'the Realm, *unleſs they be warranted by Sovereign Power*, and that they 'cannot be commanded or raiſed without aſſent of Parliament, *unleſs it* 'be by Sovereign Power: What were this but to admit a Sovereign Power B 'in the King above the Laws and Statutes of the Kingdom.

'Another part of this Petition is, That the free Subjects of this Realm 'ought not to be impriſoned without cauſe ſhewed: But by this Clauſe 'a Sovereign Power will be admitted, and left entire to his Majeſty, 'ſufficient to control the force of Law, and to bring in this new and dan- 'gerous Interpretation, That the free Subjects of this Realm ought not 'by Law to be impriſoned without cauſe ſhewed, *unleſs it be by Sovereign* 'Power. C

'In a word, This Clauſe, if it ſhould be admitted, would take away the 'effect of every part of the Petition, and become deſtructive to the 'whole: for thence will be the Expoſition touching the Billeting of Sol- 'diers and Mariners in free-mens houſes againſt their wills; and thence 'will be the Expoſition touching the Times and Places for Execution of 'the Law Marſhal, contrary to the Laws and Statutes of the Realm.

'The ſcope of this Petition, as I have before obſerved, is not to amend 'our caſe, but to reſtore us to the ſame ſtate we were in before; whereas, D 'if this Clauſe be received, inſtead of mending the condition of the poor 'Subjects, whoſe Liberties of late have been miſerably violated by ſome 'Miniſters, we ſhall leave them worſe than we found them; in ſtead of 'curing their wounds, we ſhall make them deeper. We have ſet bounds 'to our deſires in this great buſineſs, whereof one is not to diminiſh the 'Prerogative of the King, by mounting too high; and if we bound our 'ſelves on the other ſide with this limit, not to abridge the lawful Pri- 'viledges of the Subject, by deſcending beneath that which is meet, no E 'man, we hope, can blame us.

'My Lords, as there is mention made in the additional *Clauſe of Sove-* '*reign Power*, ſo there is likewiſe of a truſt repoſed in his Majeſty, touch- 'ing the uſe of Sovereign Power.

'The word *Truſt* is of great latitude, and large extent, and therefore 'ought to be well and warily applied and reſtrained, eſpecially in the 'Caſe of a King: there is a truſt inſeparably repoſed in the Perſons of the 'Kings of *England*, but that truſt is regulated by Law; for example, when F 'Statutes are made to prohibit things not *mala in ſe*, but only *mala quia* '*prohibita*, under certain forfeitures and penalties, to accrue to the King 'and to the Informers that ſhall ſue for the breach of them: The Com- 'mons muſt, and ever will acknowledge, a Regal and Sovereign Prerogative 'in the King, touching ſuch Statutes, that it is in his Majeſties abſolute and

'undoubted

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'undoubted Power, to grant Diſpenſations to particular perſons, with
'the Clauſes of *Non obſtante*, to do as they might have done before
'thoſe Statutes, wherein His Majeſty conferring grace and favour upon
'ſome, doth not do wrong to others; but there is a difference between
'thoſe Statutes, and the Laws and Statutes whereon the Petition is
'grounded: by thoſe Statutes the Subject hath no intereſt in the penal-
'ties, which are all the Fruit ſuch Statutes can produce, until by Suit or
A 'information commenced, he become entituled to the particular forfei-
'tures; whereas the Laws and Statutes mentioned in our Petition, are of
'another nature; there ſhall your Lordſhips find us to rely upon the good
'old Statute, called *Magna Charta*, which declareth and confirmeth the
'ancient Common Laws of the Liberties of *England*: There ſhall your
'Lordſhips alſo find us to inſiſt upon divers other moſt material Sta-
'tutes, made in the time of King *Edward* 4. and *Edward* 3. and other
'famous Kings, for explanation and ratification of the lawful Rights
B 'and Priviledges, belonging to the Subjects of this Realm: Laws not
'inflicting Penalties upon Offenders, *in malis prohibitis*, but Laws decla-
'rative or poſitive, conferring or confirming *ipſo facto*, an inherent Right
'and Intereſt of Liberty and Freedom in the Subjects of this Realm, as
'their Birthrights, and Inheritance deſcendible to their Heirs and Poſte-
'rity; Statutes incorporate into the Body of the Common Law, over
'which (with reverence be it ſpoken) there is no Truſt repoſed in the
'Kings *Soveraign Power, or Prerogative Royal* to enable him to diſpence
C 'with them, or to take from his Subjects that Birthright or Inheritance
'which they have in their Liberties, by virtue of the Common Law, and
'of theſe Statutes.

'But if this Clauſe be added to our Petition, we ſhall then make a
'dangerous overture to confound this good deſtination touching what
'Statutes the King is truſted to controul by diſpenſations, and what not;
'and ſhall give an intimation to poſterity, as if it were the opinion both of
'the Lords and Commons aſſembled in this Parliament, that there is a
D 'Truſt repoſed in the King, to lay aſide by his *Soveraign Power* in ſome
'emergent caſes, as well of the Common Law, and ſuch Statutes as de-
'clare or ratifie the Subjects Liberty, or confer Intereſt upon their per-
'ſons, as thoſe other penal Statutes of ſuch nature as I have mentioned
'before; which as we can by no means admit, ſo we believe aſſuredly, that
'it is far from the deſire of our moſt Gracious Soveraign, to affect ſo vaſt a
'Truſt, which being tranſmitted to a Succeſſor of a different temper,
'might enable him to alter the whole frame and fabrick of the Common-
E 'wealth, and to diſſolve that Government whereby this Kingdom hath
'flouriſhed for ſo many years and ages, under His Majeſties moſt Royal
'Anceſtors and Predeceſſors.

'Our next Reaſon is, that we hold it contrary to all courſe of Parlia-
'ment, and abſolutely repugnant to the very nature of a Petition of
'Right, conſiſting of particulars, as ours doth, to clog it with a general
'*Saving* or Declaration, to the weakening of the Right demanded; and
'we are bold to renew with ſome confidence our Allegation, that there
F 'can be no Precedent ſhewed of any ſuch Clauſe in any ſuch Petitions
'in times paſt.

'I ſhall inſiſt the longer upon this particular, and labour the more care-
'fully to clear it, becauſe your Lordſhips were pleaſed the laſt day to urge
'againſt us the Statutes of 25 and 28 of *E.* 1. as arguments to prove the
'contrary, and ſeemed not to be ſatisfied with that which in this point we

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'had affirmed. True it is, that in thoſe Statutes there are ſuch *Savings* 'as your Lordſhips have obſerved; but I ſhall offer you a clear Anſwer 'to them, and to all other *Savings* of like nature that can be found in 'any Statutes whatſoever.

'Firſt, in the general, and then I ſhall apply particular Anſwers to the 'particulars of thoſe two Statutes, whereby it will be moſt evident, that 'thoſe examples can no ways ſuit with the matter now in hand. To this 'end it will be neceſſary, that we conſider duly what that queſtion is, A 'which indeed concerneth a Petition, and not an Act of Parliament: 'This being well obſerved, by ſhewing unto your Lordſhips the diffe- 'rence between a Petition for the Law, and the Law ordained upon ſuch 'a Petition, and opening truly and perſpicuouſly the courſe that was 'holden in framing of Statutes before 2 *H.* 5. different from that which 'ever ſince then hath been uſed, and is ſtill in uſe amongſt us, and by 'noting the times wherein theſe Statutes were made, which was about 'one hundred years before 2 *H.* 5. beſides the differences between theſe B '*Savings* and this Clauſe; I doubt not but I ſhall give ample ſatisfaction 'to your Lordſhips, that the Commons, as well in this, as in all their other 'Reaſons, have been moſt careful to rely upon nothing but that which is 'moſt true and pertinent.

'Before the ſecond year of King *H.* 5. the courſe was thus: When the 'Commons were Suiters for a Law, either the Speaker of their Houſe by C 'word of mouth from them, the Lords Houſe joining with them, or by 'ſome Bill in writing, which was uſually called their Petition, moved the 'King, to ordain Laws for the redreſs of ſuch miſchiefs, or inconveniences 'as were found grievous unto the people.

'To theſe Petitions the King made anſwer as he pleaſed, ſometimes 'to part, ſometimes to the whole, ſometimes by denial, ſometimes by aſ- 'ſent, ſometimes abſolutely, and ſometimes by qualification. Upon theſe 'Motions and Petitions, and the Kings Anſwers to them, was the Law 'drawn up and ingroſſed in the Statute-Roll to bind the Kingdom; but 'this inconvenience was found in this courſe, that oftentimes the Statutes D 'thus framed, were againſt the ſenſe and meaning of the Commons, at 'whoſe deſires they were ordained; and therefore in the 2 *H.* 5. finding 'that it tended to the violation of their Liberty and Freedom, whoſe 'Right it was, and ever had been, that no Law ſhould be made without 'their aſſent; they then exhibited a Petition to the King, declaring their 'Right in this particular, praying, that from thenceforth no Law might be 'made or ingroſſed as Statutes, by additions or diminutions to their Mo- 'tions, or Petitions, that ſhould change their ſenſe or intent, without their E 'aſſent; which was accordingly eſtabliſhed by Act of Parliament, ever 'ſince then the Right hath been as the uſe was before, that the King ta- 'keth the whole, or leaveth the whole of all Bills or Petitions, exhibi- 'ted for the obtaining of Laws.

'From this courſe, and from the time when firſt it became conſtant and 'ſetled, we conclude ſtrongly, that it is no good Argument, becauſe ye 'find *Savings* in Acts of Parliament before the ſecond of *H.* 5. that be- 'fore thoſe *Savings* were in the Petitions that begat thoſe Statutes; for F 'if the Petitions for the two Loans ſo much inſiſted upon (which Petiti- 'ons, for any thing we know, are not now extant) were never ſo abſolute, 'yet might the King according to the uſage of thoſe times, inſert the *Sa- 'vings* in his Anſwers, which paſſing from thence into the Statute-Roll, 'do only give ſome little colour, but are not proof at all that the Peti- 'tions alſo were with *Savings*. 'Thus

4 *Caroli.*

'Thus much for the general; to come now to the particular Statute 'of 25 of *Edw.* 1. which was a confirmation of *Magna Charta*, with ſome 'proviſion for the better execution of it, as Common Law, which words 'are worth the noting.

'It is true, that Statute hath alſo a clauſe to this effect, That the King 'or his Heirs from thenceforth ſhould take no Aids, Taxes, or Prices of 'his Subjects, but by common Aſſent of all the Realm, ſaving the ancient
A 'Aids and Prices due and accuſtomed.

'This *Saving*, if it were granted (which is not, nor cannot be proved) 'that it was as well in the Petition as in the Act: yet can it no way im- 'ply, that it is either fit or ſafe, that the Clauſe now in queſtion ſhould 'be added to our Petition: for the nature and office of a *Saving*, or Ex- 'ception, is to exempt particulars out of a general, and to ratifie the 'Rule in things not exempted, but in no ſort to weaken or deſtroy the 'general Rule it ſelf.

B 'The Body of that Law was againſt all Aids, and Taxes, and Prices in 'general, and was a confirmatioa of the Common Law, formerly declared
• 'by *Magna Charta*; the *Saving* was only of Aids and Prices in particu- 'lar, ſo well deſcribed and reſtrained by the words, *Ancient and Accuſto- 'med*, that there could be no doubt what could be the clear meaning and 'extent of that Exception; for the Kings Right to thoſe ancient Aids, 'intended by that Statute to be ſaved to him, as well known in thoſe 'days, and is not yet forgotten.

C 'Theſe Aids were three, from the Kings Tenants by Knights Service, 'due by the Common Law, or general Cuſtom of the Realm; Aid to ran- 'ſome the Kings Royal Perſon, if unhappily he ſhould be taken Priſoner 'in the Wars; Aid to make the Kings eldeſt Son a Knight, and Aid to 'marry the Kings eldeſt Daughter once, but no more; and that thoſe 'were the only Aids intended to be ſaved to the Crown by that Statute, 'appeareth in ſome clearneſs by the Charter of King *John*, dated at '*Runningmede* the 15 of *June*, in the fifth year of his Reign, wherein they
D 'are enumerated with an excluſion of all other Aids whatſoever. Of this 'Charter I have here one of the Originals, whereon I beſeech your Lord- 'ſhips to caſt your eyes, and give me leave to read the very words which 'concern this point. Theſe words (my Lords) are thus: *Nullum ſcutagium 'vel auxilium ponatur in Regno noſtro, niſi per commune Conſilium Regni 'noſtri, niſi ad Corpus noſtrum redimendum, & primogenitum filium no- 'ſtrum militem faciendum, & ad filiam noſtram primogenitam ſemel mari- 'tandam, & ad hoc non fiat niſi rationabile auxilium.*

E 'Touching Prices, the other thing excepted by this Statute, it is alſo 'of a particular Right to the Crown ſo well known, that it needeth no 'deſcription, the King being in poſſeſſion of it by every days uſage.

'It is to take one Tun of Wine before the Maſt, and another behind 'the Maſt, of every Ship bringing in above twenty Tuns of Wine, and 'here diſcharge them by way of Merchandiſe.

'But our Petition conſiſteth altogether of particulars, to which if any 'general *Saving*, or words amounting to one, ſhould be annexed, it cannot
F 'work to confirm things not excepted which are none, but to confound 'things included, which are all the parts of the Petition; and it muſt needs 'beget this dangerous Expoſition, that the Rights and Liberties of the Sub- 'ject, declared and demanded by this Petition, are not theirs abſolutely, but '*ſub modo*, not to continue always, but only to take place when the King is 'pleaſed not to exerciſe that *Sovereign Power*, wherewith this Clauſe admit-

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'ted he is truſted for the protection, ſafety, and happineſs of his people. And 'thus that Birthright and Inheritance, which we have in our Liberties, ſhall 'by our own aſſents be turned into a meer Tenancy at will and ſufferance.

Touching the Statute of 28 *Edw.* 1. *Articuli ſuper chartas*, the ſcope of 'that Statute, among other things, being to provide for the better ob- 'ſerving and maintaining of *Magna Charta*, hath in it nevertheleſs two 'Savings for the King; the one particular, as I take it, to preſerve the 'ancient Prices, due and accuſtomed, as of Wines, and other Goods; the A 'other general, Seigniory of the Crown in all things.

'To theſe two *Savings*, beſides the former Anſwers, which may be for 'the moſt part applied to this Statute as well as to the former, I add theſe 'further Anſwers: The firſt of theſe two *Savings*, is of the ſame priſage of 'Wines which is excepted in the 25 *Edw.* 1. but in ſome more clearneſs; 'for that here the word (*Wines*) is expreſly annexed to the word (*Prices*) 'which I take for ſo much to be in Expoſition of the former Law: And 'albeit theſe words (*and of other Goods*) be added, yet do I take it to be B 'but a particular *Saving*, or exception, which being qualified with the 'words (*antient, due, and accuſtomed*) is not very dangerous, nor can be 'underſtood of Prices or Levies upon Goods of all ſorts at the Kings will 'and pleaſure, but only of the old and certain Cuſtoms upon Wool, 'Woolfells, and Leather, which were due to the Crown long before the 'making of this Statute.

'For the latter of the two *Savings* in this Act, which is of the more un- 'ſual nature, and ſubject to the more exception; it is indeed general, and C 'if we may believe the concurrent Relations of the Hiſtories of thoſe 'times, as well as thoſe that are now Printed, as thoſe that remain only in 'Manuſcripts, it gave diſtaſte from the beginning, and wrought no good 'effect, but produced ſuch diſtempers and troubles in the State, as we wiſh 'may be buried in perpetual oblivion; and that the like *Saving* in theſe 'and future times may never breed the like diſturbance: For from hence 'aroſe a Jealouſie, that *Magna Charta*, which declared the antient Right 'of the Subject, and was an abſolute Law in it ſelf, being now confirm'd by D 'a latter Act, with this addition of a general *Saving*; for the Kings Right 'in all things by the *Saving* was weakned, and that made doubtful, which 'was clear before. But not to depart from our main ground, which is, that 'Savings in old Acts of Parliament, before 2 *H.* 5. are no proof that there 'were the like *Savings* in the Petitions; for thoſe Acts, let me obſerve un- 'to your Lordſhips, and ſo leave this point, That albeit this Petition, 'whereon this Act of 28 *Edw.* 1. was grounded, be periſhed; yet hath it 'pleaſed God, that the very Frame and Context of the Act it ſelf, as it is E 'drawn up, and entred upon the Statute-Roll, and printed in our Books 'doth manifeſtly impart, that this *Saving* came in by the Kings Anſwer, 'and was not in the original Petition of the Lords and Commons; for it, 'cometh in at the end of the Act after the words (*le Roy le veut*) which 'commonly are the words of the Royal aſſent to an Act of Parliament. And 'though they be mixed and followed with other words, as though the 'Kings Council, and the reſt who were preſent at the making of this 'Ordnance, did intend the ſame *Saving*; yet is not that Concluſive, ſo F 'long as by the form of thoſe times, the Kings Anſwer working upon the 'materials of the Petition, might be conceived by ſome to make the Law 'effectual, though varying from the frame of the Petition.

'The next Reaſon which the Commons have commanded me to uſe 'for which they ſtill deſire to be ſpared from adding this Clauſe to their

'Petition,

4 *Caroli.*

'Petition, is this: this offenſive Law of 28 *E.* 1. which confirmed *Magna*
'*Charta* with a *Saving*, reſted not long in peace, for it gave not that ſa-
'tisfaction to the Lords or People, as was requiſite they ſhould have in
'a caſe ſo nearly concerning them: And therefore about thirty three, or
'thirty four of the ſame Kings Reign, a latter Act of Parliament was
'made, whereby it was enacted, That all men ſhould have their Laws,
'and Liberties, and free Cuſtoms, as largely and wholly as they had uſed
A 'to have at any time, when they had them beſt; and if any Statutes had
'been made, or any Cuſtoms brought in to the contrary, that all ſuch
'Statutes and Cuſtoms ſhould be void.

'This was the firſt Law which I now call to mind, that reſtored *Magna*
'*Charta* to the original purity wherein it was firſt molded, albeit it hath
'ſince been confirmed above twenty times more by ſeveral Acts of Parlia-
'ment, in the Reigns of divers moſt juſt and gracious Kings, who were
'moſt apprehenſive of their Rights, and jealous of their Honours, and
B 'always without *Savings*; ſo as if between 28 and 34 *Edw.* 1. *Magna*
'*Charta* ſtood blemiſhed with many *Savings* of the Kings Rights or Seig-
'niory, which might be conceived to be above the Law; that ſtain and
'blemiſh was long ſince taken away, and cleared by thoſe many abſo-
'lute Declarations and Confirmations of that excellent Law which fol-
'lowed in after Ages, and ſo it ſtandeth at this day purged and exemp-
'ted now from any ſuch *Saving* whatſoever.

'I beſeech your Lordſhips therefore to obſerve the circumſtance of time
C 'wherein we offer this Petition to be preſented to your Lordſhips, and by
'us unto his Majeſty: Do we offer it when *Magna Charta* ſtands clogged
'with *Saving?* No, my Lords, but at this day when latter and better
'confirmations have vindicated and ſet free that Law from all excepti-
'ons; and ſhall we now annex another and worſe *Saving* to it, by an un-
'neceſſary Clauſe in that Petition, which we expect ſhould have the
'fruits and effects of a Law? Shall we our ſelves relinquiſh or adulterate
'that which coſt our Anceſtors ſuch care and labour to purchaſe and re-
D 'fine? No, my Lords, but as we ſhould hold our ſelves unhappy if we
'ſhould not amend the wretched eſtate of the poor Subject, ſo let us hold
'it a wickedneſs to impair it.

'Whereas it was further urged by your Lordſhips, That to inſert this
'Clauſe into our Petition, would be no more than to do that again at
'your Lordſhips motion and requeſt, which we had formerly done by the
'mouth of our Speaker; and that there is no cauſe why we ſhould re-
'cede from that which ſo ſolemnly we have profeſſed. To this I anſwer and
E 'confeſs, it was then in our hearts, and ſo it is now, and ſhall be ever, not
'to incroach on his Majeſties Sovereign Power. But I beſeech your
'Lordſhips to obſerve the different occaſion and reference of that Pro-
'teſtation, and of this Clauſe.

'That was a general Anſwer to a general Meſſage, which we received
'from his Majeſty, warning us not to incroach upon his Prerogative; to
'which like dutiful and loving Subjects, we anſwered at full, according
'to the integrity of our own hearts; nor was there any danger in making
F 'ſuch an Anſwer to ſuch a Meſſage, nor could we anſwer more truly or
'more properly: But did that Anſwer extend to acknowledge a *Sovereign*
'*Power* in the King, above the Laws and Statutes mentioned in our Petiti-
'on, or controul the Liberties of the Subject therein declared and demand-
'ed? No, my Lords, it hath no reference to any ſuch particulars; and the
'ſame words which in ſome caſes may be fit to be uſed, and were unman-

'nerly

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'nerly to be omitted, cannot in other Caſes be ſpoken but with impertinency at the leaſt, if not with danger; I have formerly opened my Reaſons, proving the danger of this Clauſe, and am commanded to illuſtrate the impertinency of adding it to the Petition by a familiar Caſe, which was put in our Houſe by a learned Gentleman, and of my own Robe: The Caſe is this, Two Mannors or Lordſhips lie adjoining together, and perchance intermixed, ſo as there is ſome difficulty to diſcern the true bounds of either; as it may be touching the Confines where the Liberty of the Subject, and the Prerogative of the Crown do border each upon the other; to the one of the Mannors the King hath clear right, and is in actual poſſeſſion of it; but the other is the Subjects. The King being miſinformed, that the Subject hath intruded upon his Majeſties Mannor, asketh his Subject whether he doth enter upon his Majeſties Mannor, or pretendeth any Title to it, or any part of it? The Subject being now juſtly occaſioned, maketh anſwer truly to the King, That he hath not intruded, nor will intrude upon his Majeſties Mannor, nor doth make any Claim or Title to it, or any part of it. This Anſwer is proper and fair; nay, it were unmannerly and ill done of the Subject not to anſwer upon this occaſion. Afterwards the King, upon colour of ſome double or ſingle matter of Record, ſeizeth into his Highneſs hands, upon a pretended Title, the Subjects Mannor: The Subject then exhibiteth his Petition of Right to his Majeſty, to attain Reſtitution of his own Mannor, and therein layeth down Title to his own Mannor only: Were it not improper and abſurd in this Caſe for him to tell the King, that he did not intend to make any Claim or Title to his Majeſties Mannors, which is not queſtioned? Doubtleſs it were. This Caſe rightly applied, will fit our purpoſe well, and notably explain the nature of our Petition.

A B C D E F

'Why ſhould we ſpeak of leaving entire the *Kings Sovereign Power*, whereon we incroach not, while we only ſeek to recover our own Liberties and Priviledges, which have been ſeized upon by ſome of the Kings Miniſters? If our Petition did trench actually upon his Majeſties Prerogative, would our ſaying that we intended it not, make the thing otherwiſe than the truth?

'My Lords, there needeth no Proteſtation or Declaration to the contrary of that which we have not done; and to put in ſuch a Clauſe, cannot argue leſs than a fear in us, as if we had invaded it; which we hold ſacred, and are aſſured that we have not touched either in our words, or in our intentions. And touching your Lordſhips obſervation upon the word (*Leave*) if it be not a proper word to give any new thing to the King, ſure we are, it is a word dangerous in another ſenſe; for it may amount, without all queſtion, to acknowledge an old Right of *Sovereign Power* in his Majeſty, above theſe Laws and Statutes whereon only our Liberties are founded; a Doctrine which we moſt humbly crave your Lordſhips leaves freely to proteſt againſt. And for your Lordſhips proffering, that ſome *Saving* ſhould be requiſite for preſervation of his Majeſties *Sovereign Power*, in reſpect our Petition runneth in larger words than our Laws and Statutes whereon we ground it; what is this but a clear confeſſion by your Lordſhips, that this Clauſe was intended by you to be that *Saving?* for other *Saving* than this, we find not tendred by you: And if it be ſuch a *Saving*, how can it ſtand with your Lordſhips other Arguments, that it ſhould be of no other effect than our former expreſſion to his Majeſty by the mouth of our Speaker? But I will not inſiſt upon Collections of this kind; I will only ſhew you the Reaſons of

'the

4 *Caroli.*

'the Commons, why this Petition needeth no ſuch ſaving, albeit the 'words of theſe Statutes be exceeded in the Declaratory part of our Pe- 'tion: Thoſe things that are within the equity, and true meaning of a 'Statute, are as good Laws as thoſe which are contained in the expreſs 'Letter, and therefore the Statutes of the 42 *Edw.* 3. 6 *H.* 3. *Rot. Par. N.* 12. 'and other the Statutes made in this time of King *Edw.* 3. for the Ex- 'planation of *Magna Charta*, which hath been ſo often vouched in this A 'Parliament, though they differ in words from *Magna Charta*, had no '*Saving* annexed to any of them, becauſe they enacted nothing more than 'was contained in effect: In that good Law under the words, *per legale* '*judicium parium ſuorum, aut per legem terræ*, which by theſe latter Laws 'are expounded to import, that none ſhall be put to anſwer without 'Preſentment, or matter of Record, or by due Proceſs, or Writ Origi- 'nal, and if otherwiſe, it ſhould be void, and holden for error.

'It hath not been yet ſhewn unto us from your Lordſhips, that we have B 'in any of our Expreſſions or Applications ſtrained or miſ-applied any of 'the Laws or Statutes whereon we do inſiſt, and we are very confident and 'well aſſured, that no ſuch miſtaking can be aſſigned in any point of our 'Petition now under queſtion: if therefore it do not exceed the true ſenſe 'and conſtruction of *Magna Charta* in the ſubſequent Laws of Explanation 'whereon it is grounded, what reaſon is there to add a *Saving* to this Pe- 'tition more than to thoſe Laws? ſince we deſire to tranſmit the fruits of 'theſe our labors to Poſterity, not only for the juſtification of our ſelves C 'in right of our preſent, and their future Liberties; but alſo for a brave 'expreſſion and perpetual teſtimony of that Grace and Juſtice, which we 'aſſure our ſelves we ſhall receive in His Majeſties ſpeedy and clear An- 'ſwer. This is the thing we ſeek for, and this is the thing we hoped for, 'and this is the thing only will ſettle ſuch an unity and confidence be- 'twixt His Majeſty and us, and raiſe ſuch a chearfulneſs in the hearts of all 'His loving Subjects, as will make us proceed unanimouſly, and with all 'expedition to ſupply him for his great occaſions in ſuch meaſure, and D 'in ſuch way as may make him ſafe at home, and feared abroad.

Sir Henry Martin *took up the Argument, and proceeded as to the rational part thereof.*

Sir *Hen. Martins* Speech, as to the rational part of the matter of the Conference.

'IT is neceſſary to ſtate the queſtion rightly, and to ſet down the true 'difference between your Lordſhips and us. Now indeed there is no E 'difference or queſtion between your Lordſhips and us, concerning this 'additional Clauſe in the nature and quality of a Propoſition; For ſo 'conſidered, we ſay it is moſt true, and to be received and embraced by 'us, *in toto & qualibet parte & qualibet ſyllaba*, yea, and were that the 'queſtion, we ſhould add to the addition, and inſtead of due regard, ſay 'we have had, have, and ever will have a ſpecial and ſingular regard, 'where to leave entire Soveraign Power: but this were to intimate, as if 'we had firſt cropt it, and then left; but our regard was to acknow- F 'ledge and confeſs it ſincerely, and to maintain it conſtantly, even to 'the hazard of our Goods and Lives, if need be.

'To which purpoſe your Lordſhips may be pleaſed to remember that 'ſtrict Oath every Member of our Houſe hath taken this very Seſſion, 'in theſe words, *I* (A.B.) *do utterly teſtify and declare in my conſcience, That* '*the Kings Highneſs is the Supream or Sovereign Governor of this Realm in all*

'*Cauſes*,

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'Cauſes, &c. *and to my utmoſt power will aſſiſt and defend all Juriſdictions,* 'Previledges, *Preheminences and Authorities, granted or belonging to the* 'Kings Highneſs, *or united, or annexed to the Imperial Crown of this* 'Realm, &c.

'So that your Lordſhips need not to borrow from our Proteſtations any 'Exhortations to us, to entertain a Writing in aſſiſtance of the Kings So- 'veraign Power, ſince we ſtand obliged by the moſt ſacred Bond of a 'ſolemn Oath, to aſſiſt and defend the ſame, if cauſe and occaſion ſo re- A 'quired; So that the only queſtion between your Lordſhips and us, is, 'whether this Clauſe ſhould be added to our Petition, and received into it 'as part thereof, which to do your Lordſhips reaſons have not perſwaded 'us, becauſe ſo to admit it, were to overthrow the Fabrick and ſubſtance of 'our Petition of Right, and to annihilate the Right pretended by us and 'the Petition it ſelf in effect: For theſe words being added to our Petiti- 'on (*viz.*) we humbly preſent this Petition, *&c.* with due regard to leave 'entire your Soveraign Power, *&c.* do include manifeſtly an exception to B 'our Petition, and an Exception being of the nature of the thing where- 'unto it is an Exception, *Exceptio eſt de regula*, muſt of neceſſity deſtroy the 'Rule or Petition, ſo far as to the caſe excepted; *Exceptio firmat regulam in* 'caſibus non exceptis, *in caſibus exceptis deſtruit regulam:* Then this conſtru- 'ction followeth upon our Petition thus inlarged, that after we have petiti- 'oned, that no freeman ſhould be compeled by impriſonment to lend or con- 'tribute Money to His Majeſty without his aſſent in Parliament, nor receive 'againſt his will, Soldiers into his Houſe, or undergo a Commiſſion of Mar- C 'ſhal Law, for Life or Member in time of Peace, we ſhould add, Except his 'Majeſty be pleaſed to require our Moneys, and impriſon us for not lend- 'ing, and ſend Soldiers into our Houſes, and execute us by Marſhal Law in 'time of Peace, by virtue of his Soveraign Power: which conſtruction, as 'it followeth neceſſarily upon this enlargment, ſo it concludeth againſt our 'right in the Premiſſes, and utterly fruſtrateth all our Petition; neither may 'it ſeem ſtrange, if this clauſe additional (which of it ſelf in quality of a pro- 'poſition we confeſs) being added to our Petition (which alſo is true) ſhould D 'overthrow the very frame and fabrick of it, ſeeing the Logicians take 'knowledge of ſuch a fallacy called by them, *Fallacia a bene diviſis ad male* 'conjuncta. *Horace* the Poet giveth an inſtance to this purpoſe, in a Painter, 'who when he had painted the head of a man according to Art, would then 'join it to the neck of a horſe, and ſo mar the one and the other; where- 'as each by it ſelf might have been a piece of right good workmanſhip.

'The ſecond branch of my Lord Keepers rational part, was enforced out 'of the laſt words of this addition, by which his Lordſhip ſaid, that they did E 'not leave intire all Soveraign Power, but that wherewith his Majeſty is 'truſted for the protection, ſafety, and happineſs of the People; as if his 'Lordſhip would infer, that ſoveraign power wherewith, &c. in this place to 'be *Terminum diminuentem*, a term of diminution or qualification, and in 'that conſideration might induce us to accept it. But under his Lordſhips 'correction, we cannot ſo interpret it: For firſt we are aſſured, that there is 'no Soveraign Power wherewith his Majeſty is truſted, either by God or 'man, but only that which is for the protection, ſafety, and happineſs of F 'his People; and therefore that limitation can make no impreſſion upon 'us: but we conceive it rather in this place to have the force *Termini ad au-* 'gentis, to be a term of important advantage againſt our Petition, a Term 'of reſtriction, and that whereſoever his Majeſties Soveraign power ſhould 'be exerciſed upon us; in all and every the particulars mentioned in the Pe-

'tition

4 *Caroli.*

'tion, we ſhould, without further enquiry, ſubmit thereunto, as aſſuming
'and taking it *pro conceſſo*, it induced to our Safety and Happineſs, *&c.*
'Since therefore (as the Petition is now conceived) it carrieth the form
'and face of a Picture, which repreſenteth to the life the preſſures and
'grievances of the People, with the eaſie remedies; and therefore we
'hope that his Majeſty, caſting upon it a gracious eye, will compaſſionate
'his poor loyal Subjects, and afford a comfortable Anſwer.

A 'I do humbly pray your Lordſhips not to marr or blemiſh the grace
'and face of this Picture with this unneceſſary Addition; and unneceſſa-
'ry I prove it to be, according to that Rule, *Expreſſio ejus quod tacite*
'*ineſt nihil operatur.* And Sovereign Power, in caſes where it hath place,
'ought to be uſed, is always neceſſarily underſtood, and though not
'expreſſed, yet ſupplied by reaſonable intendment, or by the opinion
'of all Learned men.

B 'And therefore, as it neither is, nor can be by us expreſly included,
'eſpecially in this Petition, where the Addition thereof would make
'ſuch a confuſion of the whole ſenſe and ſubſtance.

'The Kings Sovereign Power and Prerogative is always able to ſave it
'ſelf, and if it were not, we muſt, without this Addition, ſave it to our ut-
'moſt powers, if we will ſave our Oath, and ſave our ſelves. The true ſtate
'of the cauſe thus ſtanding between your Lordſhips and us, the Houſe of
'Commons doth not a little marvel upon what grounds your Lordſhips
'are ſo earneſt to urge upon them this addition to be inſerted into their
C 'Petition, they nothing doubt, but the ſame proceeded out of a ſollici-
'tude and fear which your Lordſhips have, leſt otherwiſe the ſimple
'and abſolute paſſage of this Petition might be conſtrued hereafter in
'prejudice of his Majeſties Sovereign Power: And this your Lordſhips
'ſollicitude and fear, proceedeth from your love, as the Poet ſaith,

Res eſt ſollicíti plena timoris Amor.

'But I humbly pray your Lordſhips to examine with us, the grounds of
'this your ſollicitude and fear, which grounds muſt needs be laid either
D 'upon the words of the Petition, or the intention of the Petitioners.

'Upon the words there is no poſſibility to lay them, for therein is no
'mention made of the Sovereign Power; and were the words doubtful,
'as thus, We pray the like things be not done hereafter, under pretext of
'your Majeſties Sovereign Power; yet in reſpect of the Proteſtations pre-
'ceding, concomitant and ſubſequent to the Petition, ſuch doubtful words
'ought reaſonably to be interpreted only of ſuch Sovereign Power as was
'not appliable to the Caſes wherein it was exerciſed; and of ſuch Sove-
E 'reign Power as ſhould be juſtly practiſed: but there are no ſuch doubt-
'ful words, & therefore it followeth, that your Lordſhips fear and ſollici-
'tude muſt be grounded upon the intention of the Petitioners. Now your
'Lordſhips well know, that the Houſe of Commons is not ignorant, that in
'a Seſſion of Parliament, though it continue ſo many weeks, as this hath
'done days, yet there is nothing *prius & poſterius*, but all things are held
'and taken as done at one time; if ſo, what a ſtrange Collection was this,
'that at the ſame time the Houſe of Commons ſhould oblige themſelves,
F 'by a fearful adjuration, to aſſiſt and defend all Priviledges and Preroga-
'tives belonging to the King, & at the ſame time by a Petition (cautiouſly
'conveyed) endeavour or intend to diveſt and deprive the King of ſome
'Prerogatives belonging to his Crown? If therefore ſuch fear and ſollici-
'tude can neither be grounded upon the words of the Petition, nor inten-
'tion of the Petitioners, I humbly pray your Lordſhips to lay them aſide:

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'as we do believe that the Propoſition of this Addition from your Lord-
'ſhips, was not only excuſable, but commendable, as proceeding from your
'love: So now having heard our Reaſons, your Lordſhips would reſt ſatiſ-
'fied, that our refuſal to admit them into our Petition, proceedeth from
'the conſcience of the integrity and uprightneſs of our own hearts, that we
'in all this Petition have no ſuch end to abate or diminiſh the Kings juſt
'Prerogative. And ſo much in reply to that Rational part, whereby my
'Lord Keeper laboured to perſwade the entertainment of this Addition. A

'This being done, it pleaſed the Houſe of Commons to inſtruct and
'furniſh me with certain Reaſons which I ſhould uſe to your Lordſhips,
'to procure your abſolute conjunction with us in preſenting this Petition;
'which albeit I cannot ſet forth according to their worth, and the Inſtru-
'ctions given me by the Houſe, yet, I hope, their own weight will ſo preſs
'down into your Lordſhips Conſciences and Judgments, that without
'further ſcruple, you will chearfully vouchſafe to accompany this Peti-
'tion with your right noble preſence. B

'*Apersonis.* The firſt Argument wherewith I was commanded to move
'your Lordſhips, was drawn from the conſideration of the Perſons which
'are Petitioners, the *Houſe of Commons*; a Houſe, whoſe temper, mildneſs,
'and moderation in this Parliament hath been ſuch, as we ſhould be un-
'thankful and injurious to Almighty God, if we ſhould not acknowledge
'his good hand upon us, upon our tongues, upon our hearts, procured,
'no doubt, by our late ſolemn and publick Humiliation and Prayers.

'This moderation will the better appear, if, in the firſt place, we may C
'be remembred, in what paſſion and diſtemper many Members of this
'Houſe arrived thither, what boſoms, what pockets full of complaints
'and lamentable grievances the moſt part brought thither, and thoſe eve-
'ry day renewed by Letters and Packets from all parts and quarters:
'You know the old Proverb, *Ubi dolor ibi digitus, ubi amor ibi oculus*;
'it is hard to keep our fingers from often handling the parts ill affected;
'but yet our Moderation overcame our Paſſion, our Diſcretion over-
'came our Affection. D

'This Moderation alſo will the better appear, if in the ſecond place it
'be not forgotten, how our Anceſtors and Predeceſſors carried themſelves
'in Parliaments, when upon lighter provocations, leſs would not ſerve their
'turns, but new ſevere Commiſſions to hear and determine offences againſt
'their Liberties, publick Eccleſiaſtical Curſes, or Excommunications a-
'gainſt the Authors or Actors of ſuch violations, accuſations, condemnati-
'ons, executions, baniſhments. But what have we ſaid all this Parliament?
'we only look forward, not backward: we deſire amendment hereafter, E
'no mans puniſhment for ought done heretofore; nothing written by us
'in bloud, nay, not one word ſpoken againſt any mans perſon in diſplea-
'ſure. The concluſion of our Petition is, that we may be better intreated
'in time to come: And doth not this moderate Petition deſerve your
'Lordſhips chearful conjunction, *ex congruo & condigno?* If a Worm being
'trodden upon, could ſpeak, a Worm would ſay, Tread upon me no more,
'I pray you: Higher we riſe not, lower we cannot deſcend; and thus
'much we think in modeſty may be well ſpoken in our own commenda- F
'tion, thence to move your Lordſhips to vouchſafe us your noble com-
'pany in this Petition, without ſurcharging it with this Addition.

'*A tempore.* Our next Argument is drawn *a tempore*, from the unſea-
'ſonableneſs of the time. The Wiſe man ſaith, *There is a time for all things*
'*under the Sun. Tempus ſuum*; and if, in the wiſe mans judgment, a word

'ſpoken

4 Caroli.

'ſpoken in its due time be precious as Gold and Silver, then an unſeaſona-
'ble time detracts as much from the thing or word, done or ſpoken: We
'hold (under your favours) that the time is not ſeaſonable now for this
'Addition; it is true, that of it ſelf, Sovereign Power is a thing always
'ſo Sacred, that to handle it otherwiſe than tenderly, is a kind of Sacri-
'ledge, and to ſpeak of it otherwiſe than reverently, is a kind of Blaſphe-
'my; but every vulgar capacity is not ſo affected, the moſt part of men,
A 'nay, almoſt all men, judge and eſteem all things, not according to their
'own intrinſick vertue and quality, but according to their immediate
'effects and operations, which the ſame things have upon them: Hence
'it is, that Religion it ſelf receiveth more or leſs credit or approbation,
'as the Teachers or Profeſſors are worſe or better; yea, if God himſelf
'ſend a very wet Harveſt or Seed-time, men are apt enough to cenſure
'Divine Power, The Sovereign Power hath not now, for the preſent,
'the ancient amiable aſpect, in reſpect of ſome late ſad influences, but by
B 'Gods Grace it will ſoon recover.

'To intermix with this Petition any mention of Sovereign Power, *re-*
'*bus ſic ſtantibus*, when angry men ſay, Sovereign Power hath been abu-
'ſed, and the moſt moderate wiſh it had not been ſo uſed, we hold it not
'ſeaſonable, under your Lordſhips correction.

'*A loco.* Our next Argument is drawn *à loco:* we think *the place* where
'your Lordſhips would have this Addition inſerted (*viz.*) in the Petition,
'no convenient or ſeaſonable place; your Lordſhips will eaſily believe,
C 'that this Petition will run through many hands, every man will be deſi-
'rous to ſee and to read, what their Knights and their Burgeſſes have done
'in Parliament upon their complaints, what they have brought home for
'their five Subſidies; If, in peruſing of this Petition, they fall upon the
'mention of Sovereign Power, they preſently fall to arguing and reaſon-
'ing, and deſcanting, what Sovereign Power is, what is the Latitude,
'whence the Original, and where the Bounds? with many ſuch curious
'and captious queſtions; by which courſe, Sovereign Power is little ad-
D 'vanced or advantaged; for I have ever been of opinion, that it is then
'beſt with Sovereign Power, when it is had in *tacite veneration*, not when
'it is profaned by publick hearings or examinations.

'Our laſt Argument is drawn from our *Duty* and *Loyalty* to his Majeſty,
'in conſideration whereof, we are fearful at this time to take this Addition
'into our Petition, leſt we ſhould do his Majeſty herein ſome diſſervice:
'with your Lordſhips we make the great Council of the King & Kingdom;
'and though your Lordſhips, having the happineſs to be near his Majeſty,
E 'know other things better, yet certainly the ſtate and condition of the ſe-
'veral parts for which we ſerve, their diſpoſitions and inclinations, their
'apprehenſions, their fears and jealouſies, are beſt known unto us: and
'here I pray your Lordſhips to give me leave to uſe the Figure called *Reti-*
'*centia*, that is, to inſinuate and intimate more than I mean to ſpeak: Our
'chief and principal end in this Parliament, is, to make up all Rents and
'Breaches between the King and his Subjects, to draw them, and knit them
'together, from that diſtance, whereof the world abroad takes too much
F 'notice, to work a perfect union and reconciliation: how unproperly and
'unapt at this time this Addition will be in reſpect of this end, we cannot
'but foreſee, and therefore ſhun it, and do reſolve, that it is neither agree-
'able to the Perſons of ſuch Counſellers, of whom we are, nor anſwerable
'to that Love and Duty which we owe to his Majeſty, to hazard an end
'of ſuch unſpeakable conſequence, upon the admittance of this Addi-

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'tion into our Petition, whereof (as we have ſhewed) the omiſſion at this 'time can by no means harm the Kings Prerogative, the expreſſion may 'produce manifold inconveniences: and therefore ſince the admittance of 'your Lordſhips Addition into our Petition, is incoherent and incompati- 'ble with the body of the ſame; ſince there is no neceſſary uſe of it for the 'ſaving of the Kings Prerogative; ſince the moderation of our Petition 'deſerveth your Lordſhips chearful conjunction with us; ſince this Addi- 'tion is unſeaſonable for the time, and inconvenient in reſpect of the place A
'where your Lordſhips would have it inſerted; and laſtly, may prove a 'diſſervice to his Majeſty. I conclude with a moſt affectionate Prayer to 'your Lordſhips, to conclude with the Houſe of Commons, in preſenting 'this Petition to his Sacred Majeſty, as it is, without this Addition.

Monday 26. of May, *the Lord Keeper made this Speech at a Conference.* B

Gentlemen,

The Lords and Commons agree touching the Petition of Right.

'YE that are Knights, Citizens, and Burgeſſes of the Houſe of Com- 'mons, I have many times this Parliament by command from my 'Lords, declaring the great zeal and affection which my Lords have to 'maintain and nouriſh the good concurrence and correſpondency which 'hath hitherto continued between both Houſes, that there might be a 'happy iſſue in this great buſineſs, for the common good of the King and C
'Kingdom. Now that which I have to ſay this day from my Lords, is, to 'let you know, this fair proceeding is not a profeſſion of words only, but 'really and indeed concerning the Petition, which hath been long in agi- 'tation, as the weight of the cauſe required: ſince the laſt Conference, my 'Lords have taken it into their ſerious and inſtant conſideration, and at 'length are fallen upon a Reſolution, which I am to acquaint you with.

'The Lords have unanimouſly agreed with you *in omnibus*, and have 'voted, that they will joyn with you in your Petition, with the only D
'alteration of the word [*means*] to be put inſtead of the word [*pretext*] 'and for the word [*unlawful*] to be put out, and in place thereof to add '[*not warrantable* by the Laws and Statutes of the Realm.] Which two 'alterations your ſelves conſented unto.

'So that concerning this buſineſs there remains nothing now, but that 'having the Petition in your hands, ye will (if ye have not already) 'vote it as they have done, and ſo prepare it for his Majeſty; and my 'Lords will take order, that the King be moved for a ſpeedy acceſs to E
'preſent the ſame to his Majeſty.

And, after ſome pauſe, he ſaid, 'There reſts one thing which my Lords 'have commanded me to add, that in regard this Petition toucheth upon 'certain Charges raiſed by the Lords Lieutenants, and other Perſons, ma- 'ny times for good uſe, for the ſervice and ſafety of the Kingdom; That 'ye take it into your care and conſideration, and to provide a Law for 'Aſſeſſing of ſuch Charges, as the occaſion of the time ſhall require.

F

The Lords and Commons being thus happily acccorded, the Petition, with the aforeſaid amendments, was read in the Houſe two ſeveral times together: Then it was voted upon queſtion, and that it ſhould be ingroſſed, and read the third time, and the Houſe to ſit in the after noon till it was ingroſſed, and read, and ordered to be preſented to the King,

to

4 *Caroli.*

to which there was not a negative Vote. And the Bill of Subſidy was alſo read the ſecond time, and committed.

Wedneſday 28 *May*, the Lords and Commons had a Conference about the manner of delivery of the Petition; and Sir *Ed. Cook* reported, That their Lordſhips were agreed, That no Addition or Preface be uſed to the King, but that the Petition be preferred to his Majeſty by command of the Lords and Commons; and his Majeſty be deſired, that to the content A 'of his People, he would be pleaſed to give his gracious Anſwer in full Parliament.

About this time Mr. Rouſe *brought in a Charge againſt Dr.* Edward Manwaring; *which ſome days after was ſeconded with a Declaration.*

B Mr. Speaker,

Mr. *Rouſe* againſt Dr. *Ed. Manwaring.*

I *Am to deliver from the Committee a Charge againſt* Mr. Manwaring, *a Preacher in Divinity; but a man ſo criminous, that he hath turned his Titles into Accuſation; for the better they are, the worſe is he that diſhonours them.*

Here is a great Charge that lies upon him, it is great in it ſelf, and great, becauſe it hath many great Charges in it; Serpens qui ſerpentem devorat fit draco, *his Charge having digeſted many Charges into it, becomes a Monſter* C *of Charges.*

The main and great one in this Plot and Practice, to alter and ſubvert the Frame and Fabrick of this Eſtate and Common-wealth.

This is the great one, and it hath others in it that gives it more light. To this end,

1. *He labours to infuſe into the Conſcience of his Majeſty, the perſwaſion of a Power not bounding it ſelf with Laws, which King* James *of famous memory, calls, in his Speech to the Parliament, Tyranny, yea, Tyranny accom-* D *companied with Perjury.*

2. *He endeavours to perſwade the Conſcience of the Subjects, that they are bound to obey Commands illegal; yea, he damns them for not obeying them.*

3. *He robs the Subjects of the Propriety of their Goods.*

4. *He brands them that will not loſe this Propriety with moſt ſcandalous Speech, and odious Titles, to make them both hateful to Prince and People; ſo to ſet a diviſion between the Head and the Members, and between the Members themſelves.*

E 5. *To the ſame end, not much unlike to* Faux *and his Fellows, he ſeeks to blow up Parliaments, and Parliamentary Powers.*

'The Fifth being duly viewed, will appear to be ſo many Charges, 'and they make up all the great and main Charge, a miſchievous Plot to 'alter and ſubvert the Frame and Government of this State and Com-'mon-wealth.

'And now, though you may be ſure, that Mr. *Manwaring* leaves us no 'propriety in our goods, ye he hath an abſolute propriety in this Charge; F 'hear himſelf making up his own Charge. Here he read ſeveral paſſages out of his Book, and then proceeded and ſaid; 'You have heard his 'Charge made up by his own words, and withall I doubt not but you ſeem 'to hear the voice of that wicked one [*Quid dabi tis?*] what will you 'give me, and I will betray this State, Kingdom, and Common-wealth?

'But there are two Obſervations (I might add a third, which is like

'unto

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'unto *a three-fold Cord, which cannot eaſily be broken*) will draw the 'Charge more violently upon him.

'The firſt is of the Time when this Doctrine of deſtruction was ſet 'forth; it was preached in the heart of the Loan, and it was printed in 'the beginning of that Term which ended in a *Remittitur*: So that you 'might gueſs there might be a double Plot, by the Law and Conſcience, 'to ſet on fire the frame and eſtate of this Common-wealth: And one of 'theſe entailed Foxes was Mr. *Manwaring*, A

'Another note may be taken of the time, that is, the unſeaſonableneſs 'of it; for this Doctrine of the Loan (in caſe of neceſſity) was the year 'after an aſſent in Parliament to Four Subſidies and Three Fifteens, 'which might ſerve for a ſufficient ſtopple for the Doctors mouth, to 'keep in his Doctrine of Neceſſity.

'A ſecond obſervation may be of the means by which he ſeeks to de- 'ſtroy this Common-wealth; his means are Divinity, yea, by his Divi- 'nity he would deſtroy both King and Kingdom. B

'The King: for there can be no greater miſchief to a Prince, than to 'put the opinion of Deity into his ears; for if from his ears it ſhould 'have paſſed to his heart, it had been mortal: You know how *Herod* pe- 'riſhed. Now this man gives a participation of Divine Omnipotence to 'Kings; and though a part may ſeem to qualifie, yet all doth ſeem again 'to fill up that qualification, and very dangerouſly, if we remember that 'God ſaith of himſelf, *I am a jealous God.*

'He goes about to deſtroy the Kingdom and Common-wealth by his C 'Divinity; but do we find in Scripture ſuch a deſtroying Divinity? Sure- 'ly I find there, that *God is a God of order, and not of confuſion:* and that 'the Son of God came to ſave, and not to deſtroy. By which it ſeems he hath 'not his Divinity from God, nor from the Son of God: And that we may 'be ſure he went to Hell for Divinity, he names ſundry Jeſuites and Friers, 'with whom he conſulted and traded for his Divinity. But not to bely 'Hell it ſelf, the Jeſuites are honeſter than he: for if he had not brought 'more Hell unto them than he found with them, he had not found this D 'Divinity in them which he hath brought forth; yea, in his quotations he 'hath uſed thoſe ſhifts and falſhoods, for which Boys are to be whipt in 'Schools, and yet by them he thinks to carry the Cauſe of a Kingdom.

'But, for a concluſion, to give the true character of this man, whom I 'never ſaw, I will ſhew it you by one whom I know to be contrary to him: 'Samuel we know all to be a true Prophet; now we read of *Samuel*, that 'he writ the Law of the Kingdom in a Book, and laid it up before the Lord. 'And this he did, as one of Mr. *Manwaring*'s own Authors affirms, that the E 'King may know what to command, and the People what to obey; but 'Mr. *Manwaring* finding the Law of this Kingdom written in Books, tears 'it in pieces, and that in the preſence of the Lord in a Pulpit, that the 'King may not know what to command, nor the People what to obey.

'Thus Mr. *Manwaring* being contrary to a true Prophet, muſt needs 'be a falſe one, and the Judgment of a falſe Prophet belongs to him.

'I have ſhewed you an evil Tree, that bringeth forth evil fruit; and 'now it reſts with you to determine, whether the following Sentence F 'ſhall follow, *Cut it down, and caſt it into the fire.*

ABout this time the Mayor of *Plimouth* certified to the Burgeſſes, ſerving for that Town in Parliament, the Examination of *Le Brun*, a *French-man*, Captain of the *Mary* of *Rochel*, taken the 16 of *May*, 1628. *viz.*

4 *Caroli.*

viz. The Examinate ſaith, That on *Sunday*, being the 17 of *April* laſt paſt, he departed from *Plymouth*-Harbour in company with the *Engliſh* Fleet, whereof the Earl of *Denbigh* is General: and on the firſt day of *May*, then following, the ſaid Fleet arrived and came at Anchor at *Charleroy* in the Rode of *Rochel*, about four of the clock in the after-noon; where at the ſaid arrival, they found twenty Sail of the King of *France* his Ships, whereof ſix were Ships of about 300 Tuns, and the reſt were ſmall Ships; and forthwith the ſaid *French* Ships put themſelves to ſail, and went in nearer to the Fortifications, where they alſo Anchored within two Canon ſhot of the *Engliſh* Fleet, and ſaid, That one of his Majeſties Ships ſhot off one Piece of Ordnance, and no more; and that the ſaid *French* Ships, as they returned from the *Engliſh* Fleet, ſhot off oftentimes to them, and that the ſame Fleet remained there until the eighth day of the ſaid month of *May*; in which time there was a Wherry ſent from the Fleet into *Rochel*, wherein there were two *Engliſh* and one *French*-man, to inquire the ſtate of the ſaid Town; and that if they were there ſafe arrived, they ſhould make a fire upon one of the Towers of the Town to give notice thereof; which accordingly they did, and alſo to make ſo many fires more on the Walls of the ſaid Town, as they have months Victuals there; but they made not any anſwer thereof: whence it was collected, that they had but a ſmall quantity of Victuals; and ſaid, That the ſaid *Engliſh*, as he hath heard, promiſed to ſink the ſaid *French* Ships when the waters did increaſe; and the Wind came at Weſt-north-weſt, it being then Neap-tides, and about two days after the waters did increaſe, and the winds came accordingly; and being then intreated to fight with them, yet did not, but came away without fighting or relieving the Town; and ſaith, That on the eighth day of *May*, the ſaid *Engliſh* Fleet weighed Anchor, and ſet Sail to depart; and four of the *French* great Ships weighed Anchor alſo, and came after them, and ſhot divers times at the ſaid Fleet, and the ſaid Fleet ſhot at them again. And the ſaid Examinate came in company with the ſaid Fleet as far as *Bell-Iſle*, where he departed from them on the tenth of this inſtant. And laſtly, ſaith, That during all the time the *Engliſh* Fleet was there, the Town of *Rochel* ſhot to the King of *France* his Ships and Fort, but chiefly upon the arrival of the ſaid Fleet there.

This Examination being communicated to the Council-Table, it procured this enſuing Letter from the Privy-Council to the Duke, dated the 30 of *May*, 1628. *viz.*

WHereas it is his Majeſties pleaſure, that the Earl of Denbigh *ſhall return back to relieve the Town of* Rochel, *with the Fleet under his charge: We do therefore pray your* Grace, *to ſignifie this his Majeſties pleaſure unto the ſaid Earl, and to give him ſpecial charge and direction, ſo ſoon as the ſaid Fleet, or the greateſt part thereof, ſhall be re-aſſembled and joined together; then preſently, with the firſt opportunity of Wind, taking into his charge alſo the Ships ſtayed and prepared at* Portſmouth *and* Plymouth, *together with ſuch Fire-ſhips and other Veſſels, as ſhall be provided for this Expedition, to return to* Rochel *with all poſſible diligence, and do his beſt endeavour to relieve the ſame; letting his Lordſhip know, that order is taken for the Victualling of the Fleet by Petty Warrant, ſo long as it remaineth in Harbour, for the ſparing and lengthning of the Sea-Victuals: And if it ſo fall out, that the Earl of* Denbigh *do ſet forward on his Voyage towards* Rochel, *before the whole Fleet ſhall be joined with him, we pray your* Grace *to give him ſuch direction, that he may leave order, that the Ships which are behind ſhall follow him with all ſpeed.*

Monday

An. 1628.

Monday 2. June.

The King came to the Parliament, and ſpake thus in brief to both Houſes.

Gentlemen,

'I Am come hither to perform my duty, I think no man can think it 'long, ſince I have not taken ſo many days in anſwering the Petition, 'as ye ſpent weeks in framing it: And I am come hither to ſhew you, 'that as well in formal things as in eſſential, I deſire to give you as much 'content as in me lies.

After this, the Lord Keeper ſpake as followeth.

'MY Lords, and ye the Knights, Citizens, and Burgeſſes of the Houſe 'of Commons, his Majeſty hath commanded me to ſay unto you, 'That he takes it in good part, that in conſideration of ſetling your own 'Liberties, ye have generally profeſſed in both Houſes, that ye have no 'intention to leſſen or diminiſh his Majeſties Prerogative; wherein as 'ye have cleared your own intentions, ſo now his Majeſty comes to clear 'his, and to ſubſcribe a firm League with his People, which is ever likely 'to be moſt conſtant and perpetual when the Conditions are equal, and 'known to be ſo: Theſe cannot be in a more happy eſtate, than when 'your Liberties ſhall be an ornament and a ſtrength to his Majeſties Pre- 'rogative, and his Prerogative a defence of your Liberties; in which his 'Majeſty doubts not, but both he and you ſhall take a mutual comfort 'hereafter; and, for his part, he is reſolved to give an example, in the uſing 'of his Power for the preſervation of your Liberties, that hereafter ye ſhall 'have no cauſe to complain. This is the ſum of that which I am to ſay to 'you from his Majeſty: And that which farther remains, is, That you hear 'read your own Petition, and his Majeſties gracious Anſwer.

The Petition exhibited to his Majeſty by the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, concerning divers Rights and Liberties of the Subjects, with the Kings Majeſties Royal Anſwer thereunto in full Parliament.

To the King's moſt Excellent Majeſty.

HUmbly ſhew unto our Sovereign Lord the King, the Lords Spiritual and Temporal, and Commons in Parliament aſſembled, That whereas it is Declared and Enacted by a Statute made in the time of the Reign of K. Edward the Firſt, commonly called, Statutum de Tallagio non concedendo, That no Tallage or Aid ſhall be laid or levied, by the King or his Heirs, in this Realm, without the good will and aſſent of the Archbiſhops, Biſhops, Earls, Barons, Knights, Burgeſſes, and other the Freemen of the Commonalty of this Realm: And by Authority of Parliament holden in the Five and twentieth year of the Reign of King Edward the Third, it is Declared and Enacted, That from thenceforth no perſon ſhall be compelled to make any Loans to the King againſt his will, becauſe ſuch Loans were againſt Reaſon, and the Franchiſe of the Land; and by other Laws of this Realm it is provided, That none ſhould be charged by any Charge or Impoſition, called a Benevolence, nor by ſuch like Charge, by which the Statutes

4 *Caroli.*

Statutes before-mentioned, and other the good Laws and Statutes of this Realm, your Subjects have inherited this freedom, That they ſhould not be compelled to contribute to any Tax, Tallage, Aid, or other like Charge, not ſet by common conſent in Parliament.

Yet nevertheleſs, of late, divers Commiſſions, directed to ſundry Commiſſioners in ſeveral Counties, with inſtructions, have iſſued, by means whereof your people have been in divers places aſſembled, and required to lend certain ſums of money unto your Majeſty, and many of them, upon their refuſal ſo to do, have had an Oath adminiſtred unto them, not warrantable by the Laws or Statutes of this Realm, and have been conſtrained to become bound to make appearance, and give attendance before your Privy-Council, and in other places, and others of them have been therefore impriſoned, confined, and ſundry other ways moleſted and diſquieted: And divers other Charges have been laid and levied upon your people in ſeveral Counties, by Lords Lieutenants, Deputy Lieutenants, Commiſſioners for Muſters, Juſtices of Peace, and others, by command and direction from your Majeſty, or your Privy-Council, againſt the Laws and free Cuſtoms of this Realm.

And where alſo by the Statute called The great Charter of the Liberties of England, it is declared and enacted, That no Freeman may be taken or impriſoned, or be diſſeiſed of his Freeholds or Liberties, or his free Cuſtoms, or be Outlawed or Exiled, or in any manner deſtroyed, but by the lawful Judgment of his Peers, or by the Law of the Land. 9 Hen. 3. 29.

And in the 28 year of the Reign of King Edward the Third, it was declared and Enacted by Authority of Parliament, That no man of what eſtate or condition that he be, ſhould be put out of his Lands or Tenements, nor taken, nor impriſoned, nor diſherited, nor put to death, without being brought to anſwer by due proceſs of Law. 28 Ed. 3. 3.

Nevertheleſs againſt the tenor of the ſaid Statutes, and other the good Laws and Statutes of your Realm, to that end provided, divers of your Subjects have of late been impriſoned, without any cauſe ſhewed; and when for their deliverance they were brought before your Juſtices, by your Majeſty's Writs of Habeas Corpus, there to undergo and receive as the Court ſhould order, and their Keepers commanded to certifie the cauſes of their detainer; no cauſe was certified, but that they were detained by your Majeſty's ſpecial Command, ſignified by the Lords of your Privy-Council, and yet were returned back to ſeveral Priſons, without being charged with any thing to which they might make anſwer according to the Law. 37 Ed. 3. 18. 38 Ed. 3. 9. 42 Ed. 3. 3. 17 Ric. 2. 6.

And whereas of late great Companies of Soldiers and Mariners have been diſperſed into divers Counties of the Realm, and the Inhabitants againſt their wills have been compelled to receive them into their houſes, and there to ſuffer them to ſojourn, againſt the Laws & Cuſtoms of this Realm, and to the great grievance and vexation of the people.

And whereas alſo by Authority of Parliament, in the 25 year of the Reign of K. Edward 3. it is declared and enacted, That no man ſhall be forejudged of life or limb againſt the form of the great Charter, and the Law of the Land: and by the ſaid great Charter, & other the Laws and Statutes of this your Realm, no man ought to be adjudged to death, but by the Laws eſtabliſhed in this your Realm, either by the Cuſtoms of the ſame Realm, or by Acts of Parliament: And whereas no offender of what kind ſoever, is exempted from the proceedings to be uſed, and puniſhments to be inflicted by the Laws and Statutes of this your Realm; 25 Ed. 3. 9. 9 Hen. 3. 29. 25 Ed. 3. 4. 28 Ed. 3. 3.

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Nevertheleſs of late, divers Commiſſions under your Majeſty's Great Seal have iſſued forth, by which, certain perſons have been aſſigned and appointed Commiſſioners with Power and Authority to proceed within the Land, according to the Juſtice of Martial Law againſt ſuch Soldiers and Marriners, or other diſſolute perſons joyning with them, as ſhould commit any Murder, Robbery, Felony, Mutiny, or other Outrage or Miſdemeanor whatſoever; and by ſuch ſummary courſe and Order, as is agreeable to Martial Law, and is uſed in Armies in time of War, to proceed to the trial and condemnation of ſuch offenders, and them to cauſe to be executed and put to death, according to the Law Martial. A

By pretext whereof, ſome of your Majeſty's Subjects have been by ſome of the ſaid Commiſſioners put to death, when and where, if by the Laws and Statutes of the Land they had deſerved death, by the ſame Laws and Statutes alſo they might, and by no other ought to have been adjudged and executed.

And alſo ſundry grievous offenders by colour thereof, claiming an exemption, have eſcaped the puniſhments due to them by the Laws and Statutes of this your Realm, by reaſon that divers of your Officers and Miniſters of Juſtice have unjuſtly refuſed, or forborn to proceed againſt ſuch offenders according to the ſame Laws and Statutes, upon pretence, that the ſaid offenders were puniſhable only by Martial Law, and by Authority of ſuch Commiſſions as aforeſaid; which Commiſſions, and all others of like nature, are wholly and directly contrary to the ſaid Laws and Statutes of this your Realm. B

The Petition.

They do therefore humbly pray your moſt excellent Majeſty, That no man hereafter be compelled to make or yield any Gift, Loan, Benevolence, Tax, or ſuch like charge, without common conſent by Act of Parliament; and that none be called to make anſwer, or take ſuch Oath, or to give attendance, or be confined, or otherwiſe moleſted or diſquieted concerning the ſame, or for refuſal thereof: And that no Freeman, in any ſuch manner as is before-mentioned, be impriſoned or detained: And that your Majeſty will be pleaſed to remove the ſaid Souldiers and Marriners, and that your People may not be ſo burdened in time to come: And that the foreſaid Commiſſions for proceeding by Martial Law, may be revoked and annulled; And that hereafter no Commiſſions of like nature may iſſue forth to any perſon or perſons whatſoever, to be executed as aforeſaid, leſt by colour of them, any of your Majeſty's Subjects be deſtroyed or put to death, contrary to the Laws and Franchiſe of the Land. C D

All which they moſt humbly pray of your moſt excellent Majeſty, as their Rights and Liberties, according to the Laws and Statutes of this Realm: And that your Majeſty would alſo vouchſafe to declare, That the awards, doings, and proceedings, to the prejudice of your People, in any of the premiſſes, ſhall not be drawn hereafter into conſequence or example: And that your Majeſty would be alſo graciouſly pleaſed, for the further comfort and ſafety of your People, to declare your Royal will and pleaſure, That in the things aforeſaid, all your Officers and Miniſters ſhall ſerve you, according to the Laws and Statutes of this Realm, as they tender the Honour of your Majeſty, and the Proſperity of this Kingdom. Which Petition being read the 2. of *June*, 1628. the King's Anſwer was thus delivered unto it. E F

The King willeth, that Right be done according to the Laws and Cuſtoms of the Realm; and that the Statutes be put in due execution, that his Subjects may have no cauſe to complain of any wrong or oppreſſions, contrary

4 *Caroli.*

trary to their juſt Rights and Liberties, to the preſervation whereof, he holds himſelf in conſcience as well obliged, as of his Prerogative.

The Anſwer debated.

On *Tueſday, June* 3. the Kings Anſwer was read in the Houſe of Commons, and ſeemed too ſcant, in regard of ſo much expence of time and labour, as had been imployed in contriving the Petition: Whereupon Sir *John Elliot* ſtood up, and made a long Speech, wherein he gave forth ſo full and lively repreſentation of all Grievances, both general and particular, as if they had never before been mentioned.

Sir *John Elliot*'s Speech in the laying open of Grievances.

A

'HE reduced the cauſe of all our Evils to Five heads: Our inſincerity 'and doubling in Religion, which he exemplified by the freedom 'and increaſe of Papiſts; by the compoſition with them in the North; 'the ſlightneſs of thoſe payments, and the eaſineſs in them; by the hopes, 'preſumptions, and reports of all the Papiſts generally; by the diſpoſition of Commanders, the truſt of Officers, the confidence of ſecreſies of

B

'employments in this Kingdom, in *Ireland*, and elſewhere.

'2. Our want of Council, which ſacrificed our Honour and our Men 'ſent to the *Palatinate*, ſtopping thoſe greater Supplies appointed for that 'Service, by which it might have been made defenſible; this gave dire'ction to that late Expedition to *Rhee*, whoſe wounds are yet bleeding, 'by means whereof, the Proteſtants of *France*, and their King, by a ne'ceſſary conſequence, are divided, and that Country ſo prepared againſt

C

'us, that we have nothing to promiſe our Neighbours, hardly for our 'ſelves; inſomuch as by the iſſue and ſucceſs, it may rather be thought a 'conception of *Spain*, than begotten here by us.

'3. The inſufficiency and unfaithfulneſs of our Generals: Witneſs firſt, 'the Expedition to *Cales*, where we arrived, and found a Conqueſt ready, '(*viz.*) the *Spaniſh* Ships, fit for the ſatisfaction of a Voyage, either in'point of Honour, or in point of Profit: Why was it neglected? why 'was it not atchieved, it being granted on all hands feiſible? When the 'whole Army Landed, why was there nothing attempted? If nothing

D

'were intended, wherefore did they land? If there were a Service, why 'were they Shipt again? Witneſs, ſecondly, that to *Rhee*, where the 'whole Action was carried againſt the judgment and opinion of the Of'ficers, (*viz.*) thoſe that were of the Council? was not the firſt, was not 'the laſt, was not all, at land in the intrenching, in the continuance there, 'in the aſſault, in the retreat, without their aſſent? To ſay nothing of 'leaving the Wines and the Salt, which were in our poſſeſſion, and of a 'value, as they ſay, to anſwer much of our Expence; nor of that won-

E

'der, which no *Alexander* or *Cæſar* ever did know, the enriching of an 'Enemy by courteſies, when the Soldiers want help, nor of the private 'Entercourſes and Parleys with the Fort, which continually we held; 'what they intended, may be read in the Succeſs.

'4. Witneſs the laſt Voyage to *Rochel*, which needs no obſervation, 'and is freſh in memory.

'5. The ignorance and corruption of our Miniſters. Survey the Court,

F

'ſurvey the Countrey, the Church, the City, the Bar, the Bench, the Courts, 'the Shipping, the Land, the Seas, all will yield variety of proofs: The 'Exchequer is empty, the reputation thereof gone, the ancient Lands are 'ſold, the Jewels pawn'd, the Plate engag'd, the Debt ſtill great, almoſt 'all Charges both extraordinary and ordinary by Projects.

'6. The oppreſſion of the Subject; it needs no demonſtration, the 'whole Kingdom is a proof, and that oppreſſion ſpeaks the exhauſting of

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'our Treaſures; what waſte of our Proviſions, what conſumption of our 'Ships, what deſtruction of our Men have been? witneſs the Voyage to 'Algier, witneſs that of Mansfield, with that to Cales, witneſs the next, 'witneſs that to Rhee, witneſs the laſt, witneſs the Palatinate, witneſs the 'Turks, witneſs the Dunkirks, witneſs all: We were never ſo much weak-'ned, nor had leſs hopes how to be reſtored.

'Theſe, Mr. Speaker, are our dangers, theſe are they do threaten us, and 'thoſe are like that Trojan Horſe, brought in cunningly to ſurprize us; in A 'theſe we do lurk the ſtrongeſt of our Enemies ready to iſſue on us, and 'if we do not now the more ſpeedily expel them, theſe are the ſign, the 'invitation to others.

'Theſe will prepare their entrance, that we ſhall have no means left of 'refuge or defence; for if we have theſe Enemies at home, how can we 'ſtrive with thoſe that are abroad? if we be free from theſe, no other 'can impeach us: Our ancient Engliſh virtue, that old Spartan valour, 'cleared from theſe diſorders, being in ſincerity of Religion once made B 'friends with Heaven, having maturity of Counſels, ſufficiency of Gene-'rals, incorruption of Officers, opulency in the King, Liberty in the Peo-'ple, repletion in Treaſures, reſtitution of Proviſions, reparation of Ships, 'preſervation of Men.

''Our ancient Engliſh virtue thus rectifi'd, I ſay, will ſecure us; and 'unleſs there be a ſpeedy reformation in theſe, I know not what hopes or 'expectations we may have.

'Theſe things, Sir, I ſhall deſire to have taken into conſideration, that C 'as we are the great Council of the Kingdom, and have the apprehenſi-'on of theſe dangers, we may truly repreſent them unto the King, where-'in, I conceive, we are bound by a treble Obligation, of duty unto God, 'of duty to his Majeſty, and of duty to our Countrey.

'And therefore I wiſh it may ſo ſtand with the Wiſdom and Judgment 'of the Houſe, that they may be drawn into the body of a Remonſtrance, 'and therein all humbly expreſſed with a Prayer unto his Majeſty, for 'the ſafety of himſelf, and for the ſafety of the Kingdom, and for the ſafe- D 'ty of Religion, that he will be pleaſed to give us time to make perfect 'inquiſition thereof, or to take them into his own wiſdom, and there 'give them ſuch timely reformation, as the neceſſity of the Cauſe, and 'his Juſtice doth import.

'And thus, Sir, with a large affection and loyalty to his Majeſty, and 'with a firm duty and ſervice to my Countrey, I have ſuddenly, and, it 'may be, with ſome diſorder, expreſſed the weak apprehenſion I have; 'wherein if I have erred, I humbly crave your pardon, and ſo ſubmit to E 'the Cenſure of the Houſe.

Some againſt the recapitulating of Grievances.

'IT ſeemed to others not ſuitable to the Wiſdom of the Houſe, in that 'conjuncture, to begin to recapitulate thoſe misfortunes which were 'now obvious to all, accounting it more diſcretion not to look back, but 'forward: and ſince the King was ſo near to meet him, that the happi-'neſs expected might not be loſt: and theſe were for petitioning his Ma-'jeſty for a fuller Anſwer. F

Exceptions to Sir John Elliot's Speech.

'IT was intimated by Sir Henry Martin, that this Speech of Sir John 'Elliot was ſuggeſted from diſaffection to his Majeſty; and there 'wanted not ſome who ſaid, it was made out of ſome diſtruſt of his Maje-'ſties Anſwer to the Petition; but Sir John Elliot proteſted the contrary,

'and

4 *Caroli.*

'and that himſelf and others had a reſolution to open theſe laſt mention-
'ed Grievances, to ſatisfie his Majeſty therein, only they ſtayed for an op-
'portunity: Which averment of Sir *John Elliot*'s was atteſted by Sir
'*Thomas Wentworth*, and Sir *Robert Philips*.

WHilſt Sir *John Elliot* was ſpeaking, an interruption was made by Sir *Humphrey May*, expreſſing a diſlike; but he was commanded by
A the Commons to go on: and being afterward queſtioned by a paſſage in that Speech, *viz. That ſome actions ſeemed to be but conceptions of Spain*, he explained himſelf, that in reſpect of the affairs of *Denmark*, the ingagement of that unfortunate accident of *Rhee*, he conceived was a conception of *Spain*, rather than to have any motion from our Council here.

More Exceptions.

IN this Debate Sir *Edward Cook* propounded, That an humble Remonſtrance be preſented to his Majeſty, touching the dangers and means of
B ſafety of King and Kingdom: which reſolution was taken by the Houſe, and thereupon they turned themſelves into a Grand Committee, and the Committee for the Bill of Subſidies was ordered to expedite the ſaid Remonſtrance.

Sir *Edward Cook*.

A Meſſage was brought from the King by the Speaker.

'THat his Majeſty having, upon the Petition, exhibited by both Hou-
C 'ſes, given an Anſwer full of Juſtice and Grace, for which we and
'our Poſterity have juſt cauſe to bleſs his Majeſty, it is now time to grow
'to a concluſion of the Seſſion; and therefore his Majeſty thinks fit to let
'you know, That as he doth reſolve to abide by that Anſwer, without
'further change or alteration, ſo he will Royally and Really perform un-
'to you what he hath thereby promiſed: and further, That he reſolves to
'end this Seſſion upon *Wedneſday* the 11 of this month; and therefore
'wiſheth, that the Houſe will ſeriouſly attend thoſe buſineſſes, which may
D 'beſt bring the Seſſion to a happy concluſion, without entertaining new
'matters, and ſo husband the time, that his Majeſty may with the more
'comfort bring us ſpeedily together again: at which time, if there be any
'further Grievances not contained, or expreſſed in the Petition, they
'may be more maturely conſidered than the time will now permit.

A Meſſage from the King to the Houſe of Commons to end the Seſſions.

After the reading of this Meſſage, the Houſe proceeded with a Declaration againſt Dr. *Manwaring*, which was the ſame day preſented to the Lords at a Conference, betwixt the Committees of both Houſes of Par-
E liament: and Mr. *Pym* was appointed by the Houſe of Commons to manage that Conference.

The Declaration of the Commons againſt Dr. Manwaring, *Clerk and Doctor in Divinity.*

F FOr the more effectual prevention of the apparent ruine and deſtruction of this Kingdom, which muſt neceſſarily enſue, if the good and fundamental Laws and Cuſtoms therein eſtabliſhed, ſhould be brought into contempt, and violated, and that form of Government thereby altered, by which it hath been ſo long maintained in peace and happineſs, and to the Honour of our Sovereign Lord the King, and for the preſervation of his Crown and Dignity: The Commons in this preſent Parlia-

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Parliament assembled, do, by this their Bill shew, and declare against Roger Manwaring, Clerk, Doctor in Divinity, That whereas by the Laws and Statutes of this Realm, the free Subjects of England do undoubtedly inherit this Right and Liberty, not to be compelled to contribute any Tax, Tallage, Aid, or to make any Loans, not set or imposed by common consent, by Act of Parliament. And divers of his Majesties loving Subjects, relying upon the said Laws and Statutes, did, in all humility, refuse to lend such sums of Moneys, without Authority of Parliament, as were lately required of them.

Nevertheless the said Roger Manwaring, in contempt, & contrary to the Laws of this Realm, hath lately preached in his Majesties presence, two several Sermons, that is to say, the fourth day of July last one of the said Sermons, and upon the 29 day of the same month the other of the said Sermons; both which Sermons he hath since published in print in a Book intituled, Religion and Allegiance; and with a wicked and malicious intention, to seduce and misguide the Conscience of the Kings most excellent Majesty, touching the observation of the Laws and Customs of this Kingdom, and of the Rights and Liberties of the Subjects, to incense his Royal displeasure against his good Subjects so refusing, to scandalize, subvert, and impeach the good Laws and Government of this Realm, and the Authority of the High Court of Parliament, to alienate his Royal heart from his People, and to cause jealousies, sedition, and division in the Kingdom. He the said Roger Manwaring doth in the said Sermons and Book perswade the Kings most excellent Majesty,

First, That his Majesty is not bound to keep and observe the good Laws and Customs of this Realm, concerning the Rights and Liberties of the Subjects aforementioned: And that his Royal Will and Command in imposing Loans, Taxes, and other Aids upon his People, without common consent in Parliament, doth so far bind the Consciences of the Subjects of this Kingdom, that they cannot refuse the same without peril of eternal damnation.

Secondly, That those of his Majesties loving Subjects, which refused the Loan aforementioned, in such manner as is before cited, did therein offend against the Law of God, against his Majesties Supreme Authority, & by so doing became guilty of Impiety, Disloyalty, Rebellion, & Disobedience, and liable to many other Taxes and Censures, which he in the several parts of his Book doth most falsly & maliciously lay upon them.

Thirdly, That Authority of Parliament is not necessary for the raising of Aids and Subsidies; that the slow proceeding of such Assemblies are not fit for the supply of the urgent necessities of the State, but rather apt to produce sundry impediments, to the just designs of Princes, and to give them occasion of displeasure and discontent.

All which the Commons are ready to prove, not only by the general scope of the same Sermons & Book, but likewise by several Clauses, Assertions, & Sentences therein contained; & that he the said Roger Manwaring, by preaching and publishing the Sermons & Book aforementioned, did most unlawfully abuse his holy Function, instituted by God in his Church for the guiding of the Consciences of all his Servants, & chiefly of Sovereign Princes and Magistrates, and for the maintenance of the peace and concord betwixt all men, especially betwixt the King and his People, and hath thereby most grievously offended against the Crown & Dignity of his Majesty, and against the prosperity and good Government of this State and Commonwealth. And the said Commons, by protestation

4. Caroli.

tion ſaving to themſelves the liberty of exhibiting at any time hereafter, on any other occaſion or impeachment againſt the ſaid Roger Manwaring, and alſo of replying to the Anſwers which he the ſaid Roger ſhall make unto any of the matters contained in this preſent Bill of Complaint, and of offering further proof of the premiſes, or any of them, as the cauſe, according to the courſe of Parliament, ſhall require, do pray, that the ſaid Roger Manwaring may be put to anſwer to all and every the premiſes; and that ſuch proceeding, examination, trial, judgment, and exemplary puniſhment, may be thereupon had and executed, as is agreeable to Law and Juſtice.

This Declaration, ingroſs'd in Parchment, being read, Mr. Pym *addreſſed himſelf to the Lords in this manner.*

Mr. *Pym's* Speech at the delivery of the Charge againſt Dr. *Manwaring.*

'THat he ſhould ſpeak to this Cauſe with more confidence, becauſe 'he ſaw nothing out of himſelf that might diſcourage him: If he 'conſidered the matter, the offences were of an high nature, of eaſie proof; 'if he conſidered their Lordſhips, who were the Judges of their own In-'tereſt, their own Honour, the example of their Anceſtors, the care of 'their Poſterity, would all be Advocates with him in this cauſe on the 'behalf of the Common-wealth; if he conſidered the King our Sovereign '(the pretence of whoſe Service and Prerogative might perchance be 'ſought unto as a Defence and Shelter for this Delinquent) he could not 'but remember that part of his Majeſty's Anſwer to the Petition of 'Right of both Houſes, that he held himſelf bound in conſcience to pre-'ſerve thoſe Liberties, which this man would perſwade him to impeach: 'He ſaid further, That he could not but remember his Majeſty's love to 'Piety and Juſtice, manifeſted upon all occaſions; and he knew love 'to be the root and ſpring of all other paſſions and affections. A man 'therefore hates, becauſe he ſees ſomewhat in that which he hates con-'trary to that which he loves; a man therefore is angry, becauſe he 'ſees ſomewhat in that wherewith he is angry, that gives impediment 'and interruption to the accompliſhment of that which he loves.

'If this be ſo, by the ſame Act of his Apprehenſion, by which he be-'lieves his Majeſty's love to Piety and Juſtice, he muſt needs believe his 'hate and deteſtation of this man, who went about to withdraw him 'from the exerciſe of both.

'Then he proceeded to that which, he ſaid, was the Task enjoyned 'him, to make good every clauſe of that which had been read unto them: 'which that he might the more clearly perform, he propounded to ob-'ſerve that order of parts, unto which the ſaid Declaration was natural-'ly diſſolved.

'1. Of the Preamble.

'2. The Body of the Charge.

'3. The Concluſion, or Prayer of the Commons.

'The Preamble conſiſted altogether of recital; firſt, of the Induce-'ments upon which the Commons undertook this complaint.

'The ſecond, of thoſe Laws and Liberties, againſt which the offence 'was committed.

'The third, of the violation of thoſe Laws which have relation to that offence.

'From the connexion of all thoſe recitals (he ſaid) there did reſult 'three Poſitions, which he was to maintain as the ground-work and 'foundation of the whole cauſe. 'The

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'The firſt, That the form of Government in any State could not be altered without apparent danger of ruine to that State.

'The ſecond, the Law of *England*, whereby the Subject was exempted from Taxes and Loans, not granted by common conſent of Parliament, was not introduced by any Statute, or by any Charter or Sanction of Princes, but was the ancient and fundamental Law, iſſuing from the firſt frame and conſtitution of the Kingdom.

'The third, that this Liberty of the Subject is not only moſt convenient and profitable for the People, but moſt honorable, moſt neceſſary for the King; yea in that point of Supply for which it was endeavoured to be broken.

'The form of Government is that which doth actuate and diſpoſe every part and member of a State to the common good; and as thoſe parts give ſtrength and ornament to the whole, ſo they receive from it again ſtrength and protection in their ſeveral ſtations and degrees.

'If this mutual relation and entercourſe be broken, the whole frame will quickly be diſſolved, and fall in pieces, and inſtead of this concord and interchange of ſupport, whilſt one part ſeeks to uphold the old form of Government, and the other part to introduce a new, they will miſerably conſume and devour one another. Hiſtories are full of the calamities of whole States and Nations in ſuch caſes. It is true, that time muſt needs bring ſome alterations, and every alteration is a ſtep and degree towards a diſſolution; thoſe things only are eternal which are conſtant and uniform: Therefore it is obſerved by the beſt Writers upon this Subject, that thoſe Common-wealths have been moſt durable and perpetual, which have often reformed and recompoſed themſelves according to their firſt Inſtitution and Ordinance; for by this means they repair the breaches, and counterwork the ordinary and natural effects of time.

'The ſecond queſtion is as manifeſt, there are plain footſteps of thoſe Laws in the Government of the *Saxons*, they were of that vigor & force, as to over-live the Conqueſt, nay, to give bounds and limits to the Conqueror, whoſe Victory gave him firſt hope; but the aſſurance and poſſeſſion of the Crown he obtained by compoſition, in which he bound himſelf to obſerve theſe, and the other antient Laws and Liberties of the Kingdom, which afterwards he likewiſe confirmed by Oath at his Coronation: from him the ſaid Obligation deſcended to his Succeſſors. It is true, they have been often broken, they have been often confirmed by Charters of Kings, by Acts of Parliaments; but the Petitions of the Subjects, upon which thoſe Charters and Acts were founded, were ever Petitions of Right, demanding their antient and due Liberties, not ſuing for any new.

'To clear the third Poſition (he ſaid) may ſeem to ſome men more a Paradox, That thoſe Liberties of the Subject ſhould be ſo Honorable, ſo profitable for the King, and moſt neceſſary for the ſupply of his Majeſty. It hath been upon another occaſion declared, that if thoſe Liberties were taken away, there ſhould remain no more induſtry, no more juſtice, no more courage; who will contend, who will endanger himſelf for that which is not his own?

'But, he ſaid, he would not inſiſt upon any of thoſe points, nor yet upon others very important; he ſaid, that if thoſe Liberties were taken away, there would remain no means for the Subjects, by any Act of Bounty or Benevolence, to ingratiate themſelves to their Sovereign.

'And he deſired their Lordſhips to remember what profitable Prerogatives the Laws had appointed for the ſupport of Sovereignty; as

'Ward-

4 *Caroli.*

'Wardſhips, Treaſures-trove, Felons goods, Fines, Amercements, and 'other Iſſues of Courts, Wrecks, Eſcheats, and many more, too long to 'be enumerated; which for the moſt part are now by Charters and Grants 'of ſeveral Princes diſperſed into the hands of private perſons; and that 'beſides the ancient Demeſns of the Crown of *England*, *William* the Con- 'queror did annex, for the better maintenance of his Eſtate, great propor- 'tions of thoſe Lands, which were confiſcate from thoſe *Engliſh* which per- A 'ſiſted to withſtand him; and of theſe, very few remain at this day in the 'Kings poſſeſſion: And that ſince that time, the Revenue of the Crown 'had been ſupplied and augmented by Attainders, and other Caſualties, in 'the Age of our Fathers, by the diſſolution of Monaſteries and Chantries 'near a third part of the whole Land being come into the Kings poſſeſſi- 'on. He remembred further, that conſtant and profitable Grant of the Sub- 'jects in the Act of Tunnage and Poundage. And all theſe, he ſaid, were ſo 'alienated, anticipated, over-charged with Annuities and Aſſignments, that B 'no means were left for the preſſing and important occaſions of this time, 'but the voluntary and free gift of the Subjects in Parliament.

'The hearts of the People, and their bounty in Parliament, is the only 'conſtant Treaſure and Revenue of the Crown, which cannot be exhauſt- 'ed, alienated, anticipated, or otherwiſe charged and incumbred.

In his entrance into the ſecond part, he propounded theſe ſteps, by which he meant to proceed.

1. To ſhew the ſtate of the Cauſe, as it ſtood both in the Charge and C 'in the Proof, that ſo their Lordſhips might the better compare them 'both together.

'2. To take away the pretenſions of mitigations and limitations of 'his opinions, which the Doctor had provided for his own defence.

'3. To obſerve thoſe circumſtances of Aggravation, which might pro- 'perly be annexed to his Charge.

'4. To propound ſome Precedents of former times, wherein, though 'he could not match the offence now in queſtion (for he thought the D 'like before had never been committed) yet he ſhould produce ſuch as 'ſhould ſufficiently declare, how forward our Anceſtors would have been 'in the proſecution and condemning of ſuch offences, if they had been 'then committed.

'The Offence was preſcribed in a double manner; Firſt, by the gene- 'ral ſcope and intention, and by the matter and particulars of the Fact, 'whereby that intention was expreſſed.

'In the deſcription of the intention he obſerved ſix points, every one E 'of which was a character of extreme malice and wickedneſs.

'1. His attempt to miſguide and ſeduce the Conſcience of the King.

'2. To incenſe his Royal diſpleaſure againſt his Subjects.

'3. To ſcandalize, impeach, and ſubvert the good Laws and Govern- 'ment of the Kingdom, and authority of Parliaments.

'4. To avert his Majeſties mind from calling of Parliaments.

'5. To alienate his Royal Heart from his People.

'6. To cauſe Jealouſies, Sedition, and Diviſion in the Kingdom.

F 'Of theſe Particulars (he ſaid) he would forbear to ſpeak further, till 'he ſhould come to thoſe parts of the Fact, to which they were moſt pro- 'perly to be applied.

'The Materials of the Charge were contrived into three diſtinct Arti- 'cles; the firſt of theſe comprehended two Clauſes.

'1. That his Majeſty is not bound to keep and obſerve the good Laws

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'and Cuſtoms of the Realm, concerning the Right and Liberty of the 'Subject to be exempted from all Loans, Taxes, and other Aids laid upon 'them, without common conſent in Parliament.

'That his Majeſties Will and Command in impoſing any Charges up- 'on his Subjects without ſuch conſent, doth ſo far bind them in their 'Conſciences, that they cannot refuſe the ſame without peril of eternal 'damnation.

'Two kinds of Proof were produced upon this Article. A

'The firſt was from ſome aſſertions of the Doctors, concerning the 'Power of Kings in general, but by the neceſſary conſequence to be ap- 'plied to the King of *England*.

'The next kind of Proof was from his Cenſures, and determinations 'upon the particular Caſe of the late Loan, which by neceſſity and parity 'of reaſon, were likewiſe applicable to all Caſes of the like nature. And 'leſt by frailty of memory he might miſtake the words, or invert the 'ſenſe, he deſired leave to reſort to his Paper, wherein the places were 'carefully extracted out of the Book it ſelf. And then he read each par- B 'ticular Clauſe by it ſelf, pointing to the Page for proof, which we here 'forbear to mention, referring the Reader to the Book it ſelf.

'Then he proceeded and ſaid, That from this evidence of the Fact doth 'iſſue a clear evidence of his wicked intention to miſguide and ſeduce the 'Kings Conſcience, touching the obſervation of the Laws and Liberties of 'the Kingdom, to ſcandalize and impeach the good Laws and Government 'of the Realm, and the Authority of Parliaments, which are two of thoſe C 'Characters of malice which he formerly noted, and now inforced thus: 'If to give the King ill Counſel, in ſome one particular Action, hath here- 'tofore been heavily puniſhed in this high Court; how much more hei- 'nous muſt it needs be thought by ill Counſel to pervert and ſeduce his 'Majeſties Conſcience, which is the ſovereign Principle of all moral acti- 'ons, from which they are to receive Warrant for their direction before 'they be acted, and Judgment for their reformation afterwards? If *Scan- 'dalum magnatum*, Slander and Infamy caſt upon great Lords and officers 'of the Kingdom, have been always moſt ſeverely cenſured; how much 'more tender ought we to be of that Slander and Infamy which is here 'caſt upon the Laws and Government, from whence is derived all the 'Honour and Reverence due to thoſe great Lords and Magiſtrates?

'All men (and ſo the greateſt and higheſt Magiſtrates) are ſubject to paſſi- 'ons and partialities, whereby they may be tranſported into over-hard 'injurious croſſes: Which conſiderations may ſometimes excuſe, though E 'never juſtifie the railing and evil ſpeeches of men, who have been ſo pro- 'voked; it being a true rule, That whatſoever gives ſtrength and inforce- 'ment to the temptation in any ſin, doth neceſſarily imply an abatement 'and diminution of guilt in that ſin. But to ſlander and diſgrace the Laws 'and Government, is without poſſibility of any ſuch excuſe, it being a 'ſimple act of a malignant Will, not induced nor excited by any outward 'provocation: the Laws carrying an equal and conſtant reſpect to all, 'ought to be reverenced equally by all. And thus he derived the Proofs 'and Inforcements, upon the firſt Article of the Charge.

'The ſecond Article he ſaid contained three Clauſes. F

'1. That theſe Refuſers had offended againſt the Law of God.

2. Againſt the Supream Authority.

3. By ſo doing, were become guilty of Impiety, Diſloyalty, Rebel- 'lion, Diſobedience, and liable to many other Taxes.

'For

4 Caroli.

'For proof of all theſe (he ſaid) he needed no other evidence than what 'might be eaſily drawn from thoſe places which he had read already; for 'what impiety can be greater, than to contemn the Law of God, & to pre-'fer humane Laws before it? what greater diſloyalty, rebellion, & diſobe-'dience, than to depreſs Supreme Authority, to tie the hands and clip the 'wings of Sovereign Princes? yet he deſired their Lordſhips patience in 'hearing ſome few other places, wherein the Stains and Taint, which the
A 'Doctor endeavoured to lay upon the Refuſers, might appear by the odi-'ouſneſs of their compariſons, in which he doth labour to rank them.

'The firſt Compariſon is with Popiſh Recuſants; yet he makes them 'the worſt of the two, and for the better reſemblance, gives them a new 'name of Temporal Recuſants.

'For this he alledgeth the 1 Sermon, *page* 31,32. and part of the fifth 'Conſideration, by which he would perſwade them to yield to this Loan.

'Fifthly, If they would conſider what advantage this their Recuſancy
B 'in Temporals, gives to the common Adverſary, who for diſobedience 'in Spirituals, have hitherto alone inherited that name: for that which 'we our ſelves condemn in them for ſo doing, and profeſs to hate that 'Religion which teacheth them ſo to do; that is, to refuſe ſubjection 'unto Princes in Spirituals; the ſame, if not worſe, ſome of our ſide now '(if ours they be) dare to practiſe.

'We muſt needs be argued of leſs Conſcience, and more Ingratitude, both 'to God and the King, if in Temporal things we obey not: They in Spi-
C 'rituals deny ſubjection, wherein they may perhaps frame unto themſelves 'ſome reaſons of probability, that the offence is not ſo heinous, if we in 'Temporal ſhall be ſo refractory, what colour of reaſon can we poſſibly 'find to make our defence withall, without the utter ſhaming of our ſelves, 'and laying a ſtain which cannot eaſily be waſhed out, upon that Religion 'which his Majeſty doth ſo graciouſly maintain, and our ſelves profeſs?

'The ſecond compariſon is with *Turks* and *Jews*, in the 2d. Sermon, '*page* 47. What a Paradox is, *&c.* What a *Turk* will do for a *Chriſtian*,
D 'and a *Chriſtian* for a *Turk*, and a *Jew* for both, *&c.* the ſame and much 'leſs Chriſtian men ſhould deny to a Chriſtian King.

'The third compariſon is with *Corah*, *Dathan* and *Abiram*, *Theudas* and '*Judas*, which is taken out of the 2d. Sermon, *page* 49. where he labours 'to deprive thoſe refuſers of all merit in the ſufferings for this Cauſe.

'*Corah*, *Dathan* and *Abiram*, whom for their murmurings God ſuddenly 'ſunk into Hell-fire, might as well alledge their ſufferings had ſome reſem-'blance with that of the three Children in the *Babylonian* Furnace; and
E '*Theudas* & *Judas*, the two Incendiaries of the People, in the days of *Cæſars* 'Tribute, might as well pretend their Cauſe to be like the *Maccabees*.

'Thus he ended the ſecond Article of the Charge, upon which, he ſaid, 'were imprinted other two of theſe ſix Characters of malice, formerly 'vented: That is, a wicked intention to increaſe his Majeſties diſpleaſure 'againſt his good Subjects ſo refuſing, and to alienate his heart from the 'reſt of his People: Both which were points ſo odious, that he needed 'not to add any further inforcement or illuſtration.

F 'The Third Article contained three Clauſes.

'1. That Authority of Parliament is not neceſſary for the raiſing of 'Aids and Subſidies.

'2. That the ſlow proceedings of ſuch Aſſemblies, are not fit to ſup-'ply the urgent neceſſity of the State.

'3. That Parliaments are apt to produce ſundry impediments to the juſt

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'deſigns of Princes, and give them occaſion of diſpleaſure and diſcontent.

'For proof of all which he alledged two places, containing the two firſt 'of thoſe ſix Conſiderations, which are propounded by the Doctor, to in-'duce the refuſers to yield to the Loan, in the firſt Sermon, *page* 26, 27.

'Firſt, if they would pleaſe to conſider, that though ſuch Aſſemblies as 'are the higheſt and greateſt Repreſentations of a Kingdom, be moſt Sa-'cred and Honourable, and neceſſary alſo to thoſe ends to which they 'were at firſt inſtituted; yet know we muſt, that ordained they were not A 'to this end, to contribute any Right to Kings, whereby to challenge tri-'butary Aids and Subſidiary Helps; but for the more equal impoſing, 'and more eaſie exacting of that which unto Kings doth appertain by 'natural and original Law and Juſtice, as their proper Inheritance an-'nexed to their Imperial Crowns from their Birth. And therefore if by a 'Magiſtrate that is Supreme, if upon neceſſity, extreme and urgent, ſuch 'Subſidiary helps be required, a proportion being held reſpectively to 'the ability of the perſons charged, and the ſum and quantity ſo required B 'ſurmount not too remarkably the uſe and charge for which it was levi-'ed, very hard would it be for any man in the world, that ſhould not 'accordingly ſatisfie ſuch demands, to defend his Conſcience from that 'heavy prejudice of reſiſting the Ordinance of God, and receiving to 'himſelf damnation; though every of thoſe Circumſtances be not ob-'ſerved, which by the Municipal Law is required.

'Secondly, if they would conſider the importunities that often may be 'urgent, and preſſing neceſſaries of State, that cannot ſtay without cer-C 'tain and apparent danger, for the motion and revolution of ſo great and 'vaſt a Body as ſuch Aſſemblies are, nor yet abide their long and pauſing 'deliberation when they are aſſembled, nor ſtand upon the anſwering of 'thoſe jealous and over-wary Cautions and Objections made by ſome, 'who wedded over-much to the love of epidemical & popular Errors, and 'bent to croſs the moſt juſt and lawful deſigns of their wiſe and gracious 'Sovereign; and that under the plauſible ſhews of ſingular liberty and 'freedom, which, if their Conſcience might ſpeak, would appear nothing D 'more than the ſatisfying either of private humors, paſſions, or purpoſes.

'He ſaid, he needed not draw any Arguments or Concluſions from theſe 'places; the ſubſtance of the Charge appeared ſufficiently in the words 'themſelves: and to this 3 Article he fixed two other of theſe ſix Cha-'racters of malice, That it is his wicked intention to avert his Majeſties 'mind from cauſing of Parliaments, and to cauſe Jealouſies, Seditions, and 'Diviſions in the Kingdom; which he ſhortly enforced thus: If Parlia-E 'ments be taken away, miſchiefs and diſorders muſt needs abound, with-'out any poſſibility of good Laws to reform them; Grievances will daily 'increaſe, without opportunities or means to redreſs them; and what rea-'dier way can there be to diſtractions betwixt the King and People, to 'tumults and diſtempers in the State, than this?

'And ſo he concluded this third Article of the Charge.

'The Limitations whereby the Doctor had provided to juſtifie (or at 'leaſt to excuſe) himſelf, were propounded to be three.

'1. That he did not attribute to the King any ſuch abſolute Power as F 'might be exerciſed at all times, or upon all occaſions, according to his 'own pleaſure, but only upon neceſſity; extreme and urgent.

'2. That the Sum required, muſt be proportionable to the ability of 'the party, *and to* the uſe and occaſion.

'3. That he did not ſay, That the ſubſtance of the Municipal or Nati-

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'onal Laws might be omitted or neglected, but the Circumſtances only.

'To theſe were offered three Anſwers, the firſt general, the other two 'particular. The general Anſwer was this, That it is all one to leave the 'Power abſolute, and to leave the Judgment arbitrary, when to execute 'that Power; for although theſe limitations ſhould be admitted, yet it is 'left to the King alone to determine, what is an urgent and preſſing ne- 'ceſſity, what is a juſt proportion, both in reſpect of the ability, and of A 'the uſe and occaſion; and what ſhall be ſaid to be a Circumſtance, and 'what of the ſubſtance of the Law; and the Subject is left without re- 'medy: the Legal bounds being taken away, no private perſon ſhall be 'allowed to oppoſe his own particular opinion in any of theſe points to 'the Kings reſolution; ſo that all theſe limitations, though ſpecious in 'ſhew, are in effect fruitleſs and vain.

'The firſt particular Anſwer applied to that limitation of urgent ne- 'ceſſity, was taken from the caſe of *Normandy*, as it appears in the Com- B 'mentaries of *Guilme Jeremie*, upon the cuſtomary Laws of that Dutchy: 'they having been oppreſt with ſome Grievances, contrary to this Fran- 'chiſe made their complaint to *Lewis* the Tenth, which by his Charter, 'in the year 1314. acknowledging the Right and Cuſtom of the Coun- 'trey, and that they had been unjuſtly grieved, did grant and provide, 'that from thence-forward they ſhould be free from all Subſidies and 'Exactions to be impoſed by him and his Succeſſors; yet with this Clauſe, '*Si neceſſitie grand ne le requiret:* Which ſmall Exception hath devoured C 'all theſe Immunities; for though theſe States meet every year, yet they 'have little or no power left, but to agree to ſuch Levies, as the King 'will pleaſe to make upon them.

'The ſecond particular Anſwer applied to the limitation and diminu- 'tion of this Power, which may be pretended to be made by this word, '*Circumſtance*, as if he did acknowledge the King to be bound to the ſub- 'ſtance of the Law, and free only in regard of the manner; whereas if the 'places be obſerved, it will appear, that he intends by that word, *The Aſ-* D '*ſembly of Parliaments, and Aſſent of the People*, ſuch Contribution, which 'is the very ſubſtance of the Right and Liberty now in queſtion.

'The Circumſtances of Aggravation obſerved to be annexed to this 'Cauſe, were theſe.

'The firſt from the place where theſe Sermons were preached; the 'Court, the Kings own Family, where ſuch Doctrine was before ſo well 'believed, that no man needed to be converted. Of this there could be 'no end, but either Simoniacal, by flattery and ſoothing to make way for E 'his own preferment, or elſe extreme malicious, to add new afflictions to 'thoſe who lay under his Majeſties wrath, diſgraced and impriſoned, and 'to enlarge the wound which had been given to the Laws and Liberties 'of the Kingdom.

'The ſecond was from the conſideration of his holy Function: He is a 'Preacher of Gods Word; and yet he had endeavoured to make that 'which was the only Rule of Juſtice and Goodneſs, to be the Warrant for 'violence and oppreſſion. He is a Meſſenger of Peace, but he had endea- F 'voured to ſow ſtrife and diſſenſion, not only amongſt private perſons, 'but even betwixt the King and his People, to the diſturbance and danger 'of the whole ſtate: He is a Spiritual Father, but like that evil Father 'in the Goſpel, he hath given his Children Stones inſtead of Bread; inſtead 'of Fleſh he hath given them Scorpions. Laſtly, he is a Miniſter of the 'Church of *England*, but he hath acted the part of a Romiſh Jeſuite; they

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'labour our deſtruction, by diſſolving the Oath of Allegiance taken by 'the People; he doth the ſame work, by diſſolving the Oath of Prote- 'ction and Juſtice taken by the King.

'A third point of Aggravation was drawn from the quality of theſe 'Authors, upon whoſe Authority he doth principally rely, being for the 'moſt part Friers and Jeſuits, and from his fraud and ſhifting in citing 'thoſe Authors to purpoſes quite different from their own meanings.

'Touching which it was performed, that moſt of his places are ſuch as A 'were intended by the Authors concerning abſolute Monarchies, not re- 'gulated by Laws or Contracts betwixt the King and his People; and 'in Anſwer to all Authorities of this kind, were alledged certain paſſages 'of a Speech from our late Sovereign King *James*, to the Lords and 'Commons in Parliament, 1609.

'In theſe our times we are to diſtinguiſh betwixt the ſtate of Kings in 'their firſt Original, and between the ſtate of ſetled Kings and Monarchs 'that do at this time govern in Civil Kingdoms, *&c.* B

'Every juſt King in a ſetled Kingdom, is bound to obſerve the Paction 'made to his People by his Laws, in framing his Government agreeable 'thereunto, *&c.*

'All Kings that are not Tyrants or perjured, will be glad to bound 'themſelves within the limits of their Laws; and they that perſwade 'them to the contrary are Vipers and Peſts, both againſt them and the 'Common-wealth.

'It was ſecondly obſerved, that in the 27 *page* of his firſt Sermon, he C 'cites theſe words, *Suarez de legibus, lib.* 5. *cap.* 17. *Acceptationem populi non 'eſſe conditionem neceſſariam ex vi Juris naturalis aut gentium, neque ex 'Jure communi*, The Jeſuite adds, *Neque ex antiquo Jure Hiſpaniæ*; which 'words are left out by the Doctor, leſt the Reader might be invited to in- 'quire what was *antiquum Jus Hiſpaniæ*; and it might have been learned 'from the ſame Author in another place of that Work, that about two 'hundred years ſince, this liberty was granted to the People by one of 'the Kings, that no Tribute ſhould be impoſed without their conſent. D 'And the Author adds further, that after the Law introduced and con- 'firmed by Cuſtom, the King is bound to obſerve it. From this place he 'took occaſion to make this ſhort digreſſion, That the Kings of *Spain* be- 'ing powerful and wiſe Princes, would never have parted with ſuch a 'mark of abſolute Royalty, if they had not found in this courſe more 'advantage than in the other, and the ſucceſs and proſperity of that King- 'dom, through the valour and induſtry of the *Spaniſh* Nation, ſo much 'advanced ſince that time, do manifeſt the wiſdom of that change. E

'The third obſervation of fraud, in perverting his Authors, was this. 'In the twentieth page of the firſt Sermon, he cites theſe words out of the 'ſame *Suarez, de legibus, lib.* 5. *c.* 15. *fol.* 300. *Tributa eſſe maxime naturalia, 'præ ſe ferre Juſtitiam, quæ exiguntur de rebus propriis*; this he pro- 'duceth in proof of the juſt Right of Kings to lay Tributes. And no man 'that reads it doubts, but that in *Suarez* opinion, the Kings Intereſt and 'Propriety in the Goods of his Subjects, is the ground of that Juſtice; but 'the truth is, that *Suarez* in that Chapter had diſtributed Tributes into F 'divers kinds, of which he calls one ſort, *Tributum reale*, and deſcribes 'it thus, *Solent ita vocari penſiones quædam quæ penduntur regibus & prin- 'cipibus exteris & agris, quæ a principio ad ſuſtentationem illis applicata 'fuerunt, ipſi vero in feodum in aliis ea donarunt ſub certa penſione annua, quæ 'jure civili Canon appellari ſolet, quia certa regula & lege præſcripta erat*;

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'So that the iſſue is, this which *Suarez* affirms for juſtification of one 'kind of Tribute, which is no more than a Fee-farm of Rent due by re- 'ſervation in the Grant of the Kings own Lands; the Dr. herein, worſe 'than a Jeſuite, doth wreſt to the juſtification of all kinds of Tribute 'exacted by Impoſition upon the Goods of the Subjects, wherein the 'King had no intereſt or propriety at all.

'4. The laſt aggravation was drawn from his behaviour ſince theſe A 'Sermons preached, whereby he did continue ſtill to multiply and in- 'creaſe his offence, yea, even ſince the ſitting of the Parliament, and his 'being queſtioned in Parliament; upon the 4*th* of *May* laſt he was ſo 'bold, as to publiſh the ſame Doctrine in his own Pariſh-Church of St. '*Giles*; the points of which Sermons are theſe.

'That the King had right to order all, as to him ſhould ſeem good, 'without any mans conſent.

'That the King might require, in time of neceſſity, Aid; and if the 'Subjects did not ſupply, the King might juſtly avenge it. B

'That the Propriety of Eſtates and Goods was ordinarily in the Sub- 'ject; but extraordinarily (that is, in caſe of the Kings need) the King 'hath right to diſpoſe them.

'Theſe Aſſertions in that Sermon, he ſaid, would be proved by very 'good teſtimony, and therefore deſired the Lords that it might be care- 'fully examined, becauſe the Commons held it to be a great contempt to 'the Parliament for him to maintain that ſo publickly, which was here C 'queſtioned.

'They held it a great preſumption for a private Divine to debate the 'Right and Power of the King, which is a matter of ſuch a nature, as to 'be handled only in this High Court, and that with moderation and ten- 'derneſs. And ſo he concluded that point of Aggravation.

'In the laſt place he produced ſome ſuch Precedents as might teſtifie 'what the opinion of our Anceſtors would have been, if this caſe had 'fallen out in their time; and herein, he ſaid, he would confine himſelf 'to the Reigns of the firſt Three *Edwards*, two of them Princes of great D 'glory: He began with the Eldeſt, *Weſtm.* 1. *ca.* 33.

'By this Statute, 3 *Edw.* 1. proviſion was made againſt thoſe who 'ſhoul tell any falſe news or device, by which any diſcord or ſcandal 'may ariſe betwixt the King, his People, and great men of the Kingdom.

'27 *Edw.* 3. *Rot. part. nu.* 20. It was declared by the Kings Proclamati- 'on, ſent into all the Counties of *England*, That they that reported that 'he would not obſerve the great Charter, were malicious people, who 'deſired to put trouble and debate betwixt the King and his Subjects, E 'and to diſturb the peace and good eſtate of the King, the People, and 'the Realm.

'5 *Edw.* 2. *Inter novas ordinationes*, *Henry de Beamond*, for giving the 'King ill counſel againſt his Oath, was put from the Council, and reſtrain- 'ed from coming into the preſence of the King, under pain of Confiſca- 'tion and Baniſhment.

'19 *Edw.* 2. *Clauſe Minidors.* Commiſſions were granted to inquire F 'upon the Statute of *W.* 1. touching the ſpreading of news, whereby 'diſcord and ſcandal might grow betwixt the King and his People.

'10 *Edw. Clauſe M.* 26. Proclamation went out to arreſt all them 'who had preſumed to report, that the King would lay upon the Wools 'certain Sums, beſides the ancient and due Cuſtoms, where the King 'calls theſe Reports, *Exquiſita mendacia, &c. quæ non tantum in publi-*

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cam læſionem, ſed in noſtrum cedunt damnum, & dedecus manifeſtum.

'12 *Edw.* 3. *Rot. Almaniæ.* The King writes to the Archbiſhop of 'Canterbury, excuſing himſelf for ſome Impoſitions which he had laid, 'profeſſing his great ſorrow for it, deſires the Archbiſhop by Indulgences 'and other ways to ſtir up the People to pray for him, hoping that God 'would enable him by ſome ſatisfactory benefit to make amends and 'comfort his Subjects for thoſe preſſures.

'To theſe temporal Precedents of ancient times which were alledged, A 'he added an Eccleſiaſtical Precedent out of a Book called *Pupilla Oculi*, 'being publiſhed for the Inſtruction of Confeſſors, in the Title *de parti-* 'cipantibus cum excommunicatis, fol. 59. All the Articles of *Magna Charta* 'are inſerted with this direction, *Hos articulos ignorare non debent quibus* 'incumbit confeſſiones audire infra provinciam Cantuarienſem.

'He likewiſe remembred the Proclamation 8 *Jac.* for the calling in and 'burning of Doctor *Cowel*'s Book, for which theſe reaſons are given, For 'miſtaking the true ſtate of the Parliament of the Kingdom, and funda- B 'mental Conſtitution and Priviledges thereof: For ſpeaking irreverently 'of the Common Law, it being a thing utterly unlawful for any Subject 'to ſpeak or write againſt that Law under which he liveth, and which 'we are ſworn and reſolve to maintain.

'From theſe Precedents he collected, that if former Parliaments were 'ſo careful of falſe rumors and news, they would have been much more 'tender of ſuch Doctrines as theſe, which might produce true occaſions 'of diſcord betwixt the King and his People. C

'If thoſe who reported the King would lay Impoſitions, and break his 'Laws, were thought ſuch hainous offenders, how much more ſhould the 'man be condemned, who perſwaded the King he is not bound to keep 'thoſe Laws? If that great King was ſo far from challenging any right 'in this kind, that he profeſſed his own ſorrow and repentance for grie- 'ving his Subjects with unlawful Charges: If Confeſſors were enjoined 'to frame the Conſciences of the People to the obſervances of theſe 'Laws, certainly ſuch Doctrine, and ſuch a Preacher as this, would have D 'been held moſt ſtrange, and abominable in all theſe times?

'The third general part was the Concluſion or Prayer of the Commons, which conſiſted of three Clauſes.

'Firſt, they reſerved to themſelves liberty of any other accuſation, and 'for this, he ſaid, there was great reaſon, that as the Doctor multiplied 'his offences, ſo they may renew their accuſations.

'Secondly, they ſave to themſelves liberty of replying to his Anſwer 'for they had great cauſe to think that he who would ſhift ſo much in E 'offending, would ſhift much more in anſwering.

'Thirdly, they deſire he might be brought to examination and judg- 'ment; this they thought would be very important for the comfort of 'the preſent Age, for the ſecurity of the future againſt ſuch wicked and 'malicious practices; and ſo he concluded, that ſeeing the cauſe had 'ſtrength enough to maintain it ſelf, his humble ſuit to their Lordſhips 'was, That they would not obſerve his infirmities and defects, to the 'diminution or prejudice of that ſtrength. F

NOt long after the Commons, by their Speaker, demanded Judgment of the Lords againſt the Doctor; who not accounting his ſubmiſſion with tears and grief, a ſatisfaction for the great offence wherewith he ſtood charged, gave this Sentence.

1. That

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Judgment given againſt Dr. *Manwaring.*

1. That Dr. *Manwaring*, Doctor in Divinity, ſhall be impriſoned during the pleaſure of the Houſe.

2. That he be fined One thouſand pounds to the King.

3. That he ſhall make ſuch ſubmiſſion and acknowledgment of his offences, as ſhall be ſet down by a Committee in writing, both at the Bar, and in the Houſe of Commons.

4. That he ſhall be ſuſpended, for the term of Three years, from the exerciſe of the Miniſtry, and in the mean time a ſufficient preaching Miniſter ſhall be provided out of his Livings to ſerve the Cure: This Suſpenſion and Proviſion to be done by the Eccleſiaſtical Juriſdiction.

5. That he ſhall be hereafter diſabled to have any Eccleſiaſtical Dignity, or Secular Office.

6. That he ſhall be for ever diſabled to preach at the Court hereafter.

7. That his ſaid Book is worthy to be burnt, and that for the better effecting of this, his Majeſty may be moved to grant a Proclamation to call in the ſaid Books, that they may be all burnt accordingly, in *London*, and both the Univerſities, and for the inhibiting the printing thereof, upon a great Penalty.

Doctor Manwaring's *ſubmiſſion was in theſe words.*

Dr. *Manwaring*'s Submiſſion.

MAy it pleaſe this Honourable Houſe, I do here in all ſorrow of heart, and true repentance, acknowledge the many Errors and Indiſcretions which I have committed, in preaching and publiſhing thoſe two Sermons of mine, which I called *Religion and Allegiance*; and my great fault in falling upon this Theme again, and handling the ſame raſhly and unadviſedly in my own Pariſh Church of St. *Giles* in the Fields, the fourth of *May* laſt paſt. I do fully acknowledge thoſe three Sermons to have been full of many dangerous Paſſages, Inferences, and ſcandalous Aſperſions in moſt part of the ſame: And I do humbly acknowledge the Juſtice of this Honourable Houſe, in that Judgment and Sentence paſſed upon me for my great offence: And I do from the bottom of my heart crave pardon of God, the King, and this Honourable Houſe, and the Church, and this Common-wealth in general, and thoſe worthy Perſons adjudged to be reflected upon by me, in particular, for theſe great Errors and offences.

Roger Manwaring.

Another Meſſage was brought from his Majeſty by the Speaker, Tueſday 5. *of* June.

Another Meſſage from the King.

'HIs Majeſty wiſhed them to remember the Meſſage he laſt ſent them, 'by which he ſet a day for the end of this Seſſion, and he com-'manded the Speaker to let them know, that he will certainly hold that 'day prefix'd without alteration; and becauſe that cannot be, if the 'Houſe entertain more buſineſs of length, he requires them, that they en-'ter not into, or proceed with any new buſineſs, which may ſpend greater 'time, or which may lay any ſcandal or aſperſion upon the State-govern-'ment, or Miniſters thereof.

Sir *Robert Philips.*

SIr *Rob. Philips*, upon this occaſion, expreſſed himſelf thus: 'I perceive, 'that towards God, and towards man, there is little hope, after our 'humble and careful endeavours, ſeeing our ſins are many and ſo great: I 'conſider my own infirmities, and if ever my Paſſions were wrought

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'upon, than now, this Meſſage ſtirs me up eſpecially; when I remember 'with what moderation we have proceeded, I cannot but wonder to ſee 'the miſerable ſtrait we are now in: What have we not done to have 'merited? Former times have given wounds enough to the Peoples Li- 'berty, we came hither full of wounds, and we have cured what we could, 'and what is the return of all, but miſery and deſolation? What did we 'aim at, but to have ſerved his Majeſty, and to have done that that would 'have made him Great and Glorious? if this be a fault, then we are all A 'criminous: What ſhall we do, ſince our humble purpoſes are thus pre- 'vented, which were not to have laid any aſperſion on the Government, 'ſince it tended to no other end, but to give his Majeſty true informati- 'on of his and our danger? And to this we are enforced out of a neceſſity 'of duty to the King, our Countrey, and to Poſterity; but we being ſtop- 'ped, and ſtopped in ſuch manner, as we are enjoined, ſo we muſt now 'leave to be a Council. I hear this with that grief, as the ſaddeſt Meſ- 'ſage of the greateſt loſs in the world. But let us ſtill be wiſe, be hum- B 'ble, let us make a fair Declaration to the King.

Sir *John Elliot.*

'OUr ſins are ſo exceeding great (ſaid Sir *John Elliot*) that unleſs we 'ſpeedily return to God, God will remove himſelf further from us; 'ye know with what affection and integrity we have proceeded hitherto, 'to have gained his Majeſties heart, and out of a neceſſity of our duty 'were brought to that courſe we were in: I doubt, a miſrepreſentation 'to his Majeſty hath drawn this mark of his diſpleaſure upon us: I ob- C 'ſerve in the Meſſage amongſt other ſad Particulars, it is conceived, that 'we were about to lay ſome aſperſions on the Government; give me leave 'to proteſt, That ſo clear were our intentions, that we deſire only to vin- 'dicate thoſe diſhonours to our King and Countrey, *&c.* It is ſaid alſo, 'as if we caſt ſome aſperſions on his Majeſties Miniſters, I am confident no 'Miniſter, how dear ſoever, can----

Here the Speaker ſtarted up from the ſeat of the Chair, apprehending Sir *John Elliot* intended to fall upon the Duke, and ſome of the Miniſters of State; ſaid, There is a command laid upon me, that I muſt command you not to proceed: Whereupon Sir *John Elliot* ſate down. D

Sir *Dudley Diggs.*

'I Am as much grieved as ever, ſaid Sir *Dudley Diggs*; Muſt we not pro- 'ceed? let us ſit in ſilence, we are miſerable, we know not what to do.

Hereupon there was a ſad ſilence in the Houſe for a while, which was broken by Sir *Nathaniel Rich*, in theſe words: E

Sir *Nathaniel Rich.*

'WE muſt now ſpeak, or for ever hold our peace; for us to be ſilent 'when King and Kingdom are in this calamity, is not fit. The que- 'ſtion is, whether we ſhall ſecure our ſelves by ſilence, yea or no? I know 'it is more for our own ſecurity, but it is not for the ſecurity of thoſe for 'whom we ſerve; let us think on them: ſome Inſtruments deſire a 'change, we fear his Majeſties ſafety, and the ſafety of the Kingdom, I do 'not ſay we now ſee it; and ſhall we now ſit ſtill and do nothing, and ſo F 'be ſcattered? Let us go together to the Lords, and ſhew our dangers, 'that we may then go to the King together.

Others ſaid, That the Speech lately ſpoken by Sir *John Elliot*, had given offence (as they feared) to his Majeſty.

Where-

4. Caroli.

The Commons declare, that no unduti-ful Speech hath been ſpoken.

WHereupon the Houſe declared, **That every Member of the Houſe is free from any undutiful Speech, from the beginning of the Parliament to that day; and Ordered, That the Houſe be turned into a Committee, to conſider what is fit to be done for the ſafety of the Kingdom; and that no man go out upon pain of going to the Tower.** But before the Speaker left the Chair, he deſired leave to go forth; and the Houſe ordered that he may go forth, if he pleaſe. And the Houſe was hereupon turned into a Grand Committee. Mr. *Whitby* in the Chair.

Mr. *Wandeſford.*

"I Am as full of grief as others, ſaid Mr. *Wandesford*; let us recollect "our Engliſh hearts, and not ſit ſtill, but do our duties: Two ways "are propounded, To go to the Lords, or to the King; I think it is fit we "go to the King, for this doth concern our Liberties, and let us not fear "to make a Remonſtrance of our Rights; we are his Counſellers: There "are ſome men which call evil good, and good evil, and bitter ſweet: "Juſtice is now called Popularity and Faction.

Sir *Edw. Cook* declares the Duke the cauſe of all our miſeries.

THen Sir *Edward Cook* ſpake freely; "We have dealt with that duty "and moderation that never was the like, *Rebus ſic ſtantibus*, after "ſuch a violation of the Liberties of the Subject; let us take this to "heart. In 30 *E.* 3. were they then in doubt in Parliament to name "men that miſled the King? they accuſed *John de Gaunt*, the King's Son, "and Lord *Latimer*, and Lord *Nevil*, for miſadviſing the King, and they "went to the *Tower* for it; now when there is ſuch a downfall of the "State, ſhall we hold our tongues? how ſhall we anſwer our duties to "God and men? 7 *H.* 4. *Parl. Rot. numb.* 31 & 32. 11 *H.* 4. *numb.* 13. "there the Council are complained of, and are removed from the King; "they mewed up the King, and diſſwaded him from the common good; "and why are we now retired from that way we were in? why may we "not name thoſe that are the cauſe of all our evils? In 4 *H.* 3. & 27 *E.* 3. "& 13 *R.* 2. the Parliament moderateth the King's Prerogative, and no-"thing grows to abuſe, but this Houſe hath power to treat of it: What "ſhall we do? let us palliate no longer; if we do, God will not proſper "us. I think the Duke of *Buckingham* is the cauſe of all our miſeries; "and till the King be informed thereof, we ſhall never go out with ho-"nour, or ſit with honour here; that man is the Grievance of Grievances: "let us ſet down the cauſes of all our diſaſters, and all will reflect upon "him. As for going to the Lords, that is not *via Regia*; our Liber-"ties are now impeached, we are concerned; it is not *via Regia*, the "Lords are not participant with our Liberties.

Mr. *Selden's* advice for a Declaration againſt the Duke.

"MR. *Selden* adviſed, That a Declaration be drawn under four "Heads. 1. To expreſs the Houſe's dutiful carriage towards his "Majeſty. 2. To tender their Liberties that are violated. 3. To preſent "what the purpoſe of the Houſe was to have dealt in. 4. That that great "Perſon, *viz.* the *Duke*, fearing himſelf to be queſtioned, did interpoſe "and cauſe this diſtraction. All this time (ſaid he) we have caſt a Man-"tle on what was done laſt Parliament; but now being driven again to "look on that man, let us proceed with that which was then well begun, "and let the Charge be renewed that was laſt Parliament againſt him, to "which he made an Anſwer, but the Particulars were ſufficient, that we "might demand Judgment on that Anſwer only.

An. 1628.

Several Heads agreed on for a Remonſtrance.

IN concluſion, the Houſe agreed upon ſeveral Heads concerning Innovation in Religion, the ſafety of the King and Kingdom, miſgovernment, misfortune of our late deſigns, with the cauſes of them: And whilſt it was moving to be put to the queſtion, that the Duke of *Buckingham* ſhall be inſtanced to be the chief and principal cauſe of all thoſe evils, the Speaker (who after he had leave to go forth, went privately to the King) brought this Meſſage, A

A Meſſage from the King by the Speaker

"THat his Majeſty commands, for the preſent they adjourn the Houſe "till to morrow morning, and that all Committees ceaſe in the "mean time. And the Houſe was accordingly adjourned.

AT the ſame time the King ſent for the Lord Keeper to attend him preſently; the Houſe of Lords was adjourned *ab libitum*. The Lord Keeper being returned, and the Houſe reſumed, his Lordſhip ſignified his Majeſty's deſire, that the Houſe and all Committees be adjourned till to morrow morning. B

AFter this Meſſage was delivered, the Lords Houſe fearing a ſudden diſſolution, fell into conſideration of the weak eſtate of the Kingdom, and of our Friends and Allies abroad; and of the great ſtrength of the Houſe of *Auſtria*, and the King of *Spain's* ambition, aſpiring to an Univerſal Monarchy, and his preſent great Preparations for War. Hereupon the Houſe was moved to name a ſelect Committee, to repreſent theſe things to his Majeſty, with the danger like to enſue to this Kingdom, if the Parliament be diſſolved without a happy concluſion. But being ſatisfied by the Lords of the Privy-Council, that there was no ſuch cauſe of fear, as the Houſe apprehended, the naming of a Committee was for that time deferred. C D E F

Having

4 *Caroli.*

Having met in our Collections with a Letter of Mr. *Allureds*, to old Mr. *Chamberlain* of the Court of Wards, and being a concurrent proof to the paſſages this day in the Houſe; we have thought fit here to mention it, *viz.*

Sir,

A *YEſterday was a day of deſolation among us in Parliament, and this day, we fear, will be the day of our diſſolution: Upon* Tueſday, *Sir* John Elliot *moved, That as we intended to furniſh his Majeſty with Money, we ſhould alſo ſupply him with Counſel, which was one part of the occaſion why we were ſent by the Countrey, and called for by his Majeſty: And ſince that Houſe was the greateſt Council of the Kingdom, where, or when ſhould his Majeſty have better Counſel than from thence; So he deſired there might be a Declaration made to the King, of the danger wherein the Kingdom ſtood, by*

B *the decay and contempt of Religion, the inſufficiency of his* Generals, *the unfaithfulneſs of his Officers, the weakneſs of his Counſels, the exhauſting of his Treaſure, the death of his Men, the decay of Trade, the loſs of Shipping, the many and powerful Enemies, the few and the poor Friends we had abroad.*

In the enumerating of which, the Chancellor of the Dutchy ſaid, It was a ſtrange Language; yet the Houſe commanded Sir John Elliot *to go on. Then the Chancellor deſired, if he went on, that himſelf might go out. Whereupon they all bad him be gone, yet he ſtayed, and heard him out: And the Houſe generally inclined to ſuch a Declaration, to be preſented in an humble and mo-*

C *deſt manner, not preſcribing the King the way, but leaving it to his judgment for reformation. So the next day, being* Wedneſday, *we had a Meſſage from his Majeſty, by the Speaker, that the Seſſion ſhould end on* Wedneſday, *and that therefore we ſhould husband the time, and diſpatch the old buſineſſes, without entertaining new; intending to purſue their Declaration, they had this Meſſage yeſterday morning brought them, which I have here incloſed ſent you, which requiring not to caſt or lay any aſperſion upon any Miniſter of his*

D *Majeſty, the Houſe was much affected to be ſo reſtrained, ſince the Houſe in former times had proceeded, by fining and committing* John *of* Gaunt, *the King's Son, and others, and of late have medled with, and ſentenced the Lord Chancellor* Bacon, *and the Lord Treaſurer* Cranfield. *Then Sir* Robert Philips *ſpake, and mingled his words with weeping, Mr.* Prynne *did the like; and Sir* Edward Cook, *overcome with paſſion, ſeeing the deſolation likely to enſue, was forced to ſit down when he began to ſpeak, through the abundance*

E *of tears; yea, the Speaker in his Speech could not refrain from weeping and ſhedding of tears; beſides, a great many, whoſe great griefs made them dumb and ſilent; yet ſome bore up in that ſtorm, and encouraged others: In the end, they deſired the Speaker to leave the Chair, and* Mr. Whitby *was to come into it, that they might ſpeak the freer and frequenter, and commanded, That no man go out of the Houſe upon pain of going to the* Tower. *Then the Speaker humbly and earneſtly beſought the Houſe to give him leave to abſent himſelf for half an hour, preſuming they did not think he did it for any ill intention; which was inſtantly granted him. Then upon many De-*

F *bates about their Liberties hereby infringed, and the imminent danger wherein the Kingdom ſtood; Sir* Edw. Cook *told them, He now ſaw God had not accepted of their humble and moderate carriages, and fair proceedings; and the rather, becauſe he thought they dealt not ſincerely with the King, and with the Countrey, in making a true repreſentation of the Cauſes of all theſe miſeries, which now he repented himſelf, ſince things were come to this paſs, that he did it not ſooner; and therefore he not knowing whether ever he*

ſhould

An. 1628. *ſhould ſpeak in this Houſe again, would now do it freely, and there proteſted, that the Author and Cauſe of all thoſe miſeries was the Duke of* Buckingham, *which was entertained and anſwered with a chearful acclamation of the Houſe; as when one good Hound recovers the ſcent, the reſt come in with a full cry: ſo they purſued it, and every one came on home, and laid the blame where they thought the fault was, and as they were voting it to the queſtion, whether they ſhould name him in their intended Remonſtrance, the ſole or the principal cauſe of all their miſeries at home and abroad: The Speaker having been three hours abſent, and with the King, returned with this Meſſage, That the Houſe ſhould then riſe (being about eleven a clock, and no Commit-mittees ſhould ſit in the after-noon) till to morrow morning; What we ſhall expect this morning, God of Heaven knows. We ſhall meet timely this morning, partly for the buſineſs ſake, and partly, becauſe two days ſince we made an order, That whoſoever comes in after Prayers, pays Twelve pence to the poor. Sir, excuſe my haſte; and let us have your Prayers, whereof both you and we have here need: So, in ſcribling haſte, I reſt*

A

B

This 6. of June, 1628.

Affectionately at your ſervice, *Thomas Alured.*

This Meſſage mentioned in this Letter of the 6. of *June*, is already before expreſſed.

Friday 6. of June.

C

Mr. Speaker brings another Meſſage from the King the day following.

Another Meſſage from the King to the Commons.

"IN my ſervice to this Houſe I have had many undeſerved favours from "you, which I ſhall ever with all humbleneſs acknowledge, but none "can be greater than that teſtimony of your confidence yeſterday ſhewed "unto me, whereby I hope I have done nothing, or made any repreſenta-"tion to his Majeſty, but what is for the honour and ſervice of this "Houſe; and I will have my tongue cleave to my mouth, before I will D "ſpeak to the diſadvantage of any Member thereof: I have now a Meſ-"ſage to deliver unto you.

"Whereas his Majeſty underſtanding, that ye did conceive his laſt "Meſſage to reſtrain you in your juſt Priviledges, to complain of any of "his Miniſters; theſe are to declare his intentions, That he had no mean-"ing of barring you from what hath been your Right, but only to "avoid all ſcandals on his Council and Actions paſt, and that his Miniſters "might not be, nor himſelf, under their names, taxed for their Counſel E "unto his Majeſty, and that no ſuch particulars ſhould be taken in hand, "as would ask a longer time of conſideration than what he hath pre-"fixed, and ſtill reſolves to hold, that ſo, for this time, all Chriſtendom "might take notice of a ſweet parting between him and his People: "Which if it fall out, his Majeſty will not be long from another Meeting, "when ſuch (if there be any) at their leiſure and convenience may be "conſidered.

Mr. Speaker proceeded. F

"I will obſerve ſomewhat out of this Meſſage; Ye may obſerve a "great inclination in his Majeſty to meet in this Houſe. I was bold ye-"ſterday to take notice of that liberty ye gave me to go to his Maje-"ſty; I know there are none here but did imagine whither I went, and "but that I knew ye were deſirous and content that I ſhould leave you,

"I

4 *Caroli.*

'I would not have deſired it, give me leave to ſay, This Meſſage bars you 'not of your Right in matter, nay, not in manner, but it reacheth to his 'Counſels paſt, and for giving him counſel in thoſe things which he 'commanded. It is not his Majeſties intentions to protect any Abettor 'of *Spain*. The end of this was, that we might meet again ſweetly and 'happily.

The Houſe of Lords likewiſe received this Meſſage by the Lord Keeper.

A 'MY Lords, his Majeſty takes notice, to your great advantage, of the 'proceedings of this Houſe upon the hearing of his Majeſties Meſ- 'ſage yeſterday; he accounts it a fair reſpect, that ye would neither agree 'of any Committee, or ſend any Meſſage to his Majeſty, though it were 'in your own hearts, but yield your ſelves to his Majeſties Meſſage, and 'defer your own reſolutions till you meet again at the time appointed B 'by his Majeſty. Yet his Majeſty takes it in extreme good part to 'hear what was in your heart, and eſpecially that you were ſo ſenſible 'of the inconvenience that might enſue upon the breach of this Parlia- 'ment: which if it had hapned, or ſhall hereafter happen, his Majeſty 'aſſures himſelf, that he ſhall ſtand clear before God and men of the 'occaſion.

'But his Majeſty ſaith, Ye had juſt cauſe to be ſenſible of the danger, 'conſidering how the ſtate of Chriſtendom now ſtands in reſpect of the C 'multitude and ſtrength of our Enemies, and weakneſs on our part. All 'which his Majeſty knows very exactly, and, in reſpect thereof, called this 'Parliament; the Particulars his Majeſty holds it needleſs to recite, eſpe- 'cially to your Lordſhips, ſince they are apparent to all men: Neither 'will it be needful to reiterate them to his Majeſty, whoſe cares are moſt 'attentive upon them, and the beſt remedy that can be thought on there- 'in, is, if his Subjects do their parts. Therefore his Majeſty gives you 'hearty thanks, and bade me tell you, That nothing hath been more ac- D 'ceptable to him all the time of this Parliament, than this dutiful and 'diſcreet carriage of your Lordſhips, which, he profeſſeth, hath been a 'chief motive to his Majeſty, to ſuſpend thoſe intentions, that were not 'far from a reſolution.

A Meſſage from his Majeſty to the Houſe of Lords.

Sir Robert Philips *aſſumed the Debate upon the Meſſage delivered by the Speaker, and ſaid;*

'I riſe up with a diſpoſition, ſomewhat in more hope of comfort than E 'yeſterday; yet, in regard of the uncertainty of Counſels, I ſhall not 'change much: In the firſt place I muſt be bold without flattering, a 'thing not incident to me, to tell you (Mr. Speaker) you have not only 'at all times diſcharged the duty of a good Speaker, but of a good man, 'for which I render you many thanks.

'Another reſpect touching his Majeſties Anſwer to our Petition; 'Firſt, if that Anſwer fall out to be ſhort, I free his Majeſty, and I be- 'lieve his reſolution was, to give that that we all expected: But in that, F 'as in others, we have ſuffered, by reaſon of interpoſed perſons between 'his Majeſty and us; but this day is by intervenient accidents diverted 'from that, but ſo, as in time we go to his Majeſty: therefore let us re- 'move thoſe jealouſies in his Majeſty of our proceedings, that by ſome 'men over-grown, have been miſpreſented: we have proceeded with tem- 'per in confidence of his Majeſties goodneſs to us, and our fidelity to him 'and

The Kings Meſſage gives the Commons more hope than formerly.

An. 1628.

'and if any have conſtrued that what we have done hath been out of 'fear, let him know, we came hither Free-men, and ever will reſolve to 'endure the worſt; and they are poor men that make ſuch interpretati- 'ons of Parliaments; in this way and method we proceeded, and if 'any thing fall out unhappily, it is not King *Charles* that adviſed him- 'ſelf, but King *Charles* miſadviſed by others, and miſled by mis-ordered 'Counſel; it becomes us to conſider what we were doing, and now to 'adviſe what is fit to be done. We were taking conſideration of the A 'State of the Kingdom, and to preſent to his Majeſty the danger he and 'we are in, if ſince any man hath been named in particular (though I love 'to ſpeak of my betters with humility) let him thank himſelf and his 'Counſels, but thoſe neceſſary Jealouſies give us occaſion to name him; 'I aſſure my ſelf we ſhall proceed with temper, and give his Majeſty 'ſatisfaction, if we proceed in that way. His Majeſties Meſſage is now 'explanatory in point of our Liberties, that he intends not to bar us of 'our Rights, and that he would not have any aſperſion caſt on the B 'Counſels paſt; let us preſent to his Majeſty ſhortly and faithfully, and 'declare our intentions, that we intend not to lay any aſperſions upon 'him, but out of a neceſſity to prevent the imminent dangers we are ſur- 'rounded with, and to preſent to him the Affairs at home and abroad, 'and to deſire his Majeſty, that no interpoſition or mis-information of 'men in fault may prevail, but to expect the iſſue that ſhall be full of 'duty and loyalty.

The Commons ſent a Meſſage to the Lords, that they would joyn in C an humble requeſt to the King, that a clear and ſatisfactory Anſwer be given by his Majeſty in full Parliament to the Petition of Right; where- unto the Lords did agree.

Afterward the Houſe was turned again into a Committee, and con- ſidered of ſome more Heads to be inſerted into the Declaration or Re- monſtrance, as the deſign to bring into this Nation Foreign Forces, under the command of *Dolbier*: And *Burlemack* was called into the

Burlemack called into the Houſe.

Houſe, who confeſſed, he received Thirty thouſand pound by Privy D Seal for the buying of Horſes, that one thouſand of them are levied, that thoſe Horſe and their Riders are to come over, and Arms are pro- vided for them in *Holland*; but he hears a countermand is gone to ſtay them.

The Privy-Seal is in theſe words.

'CHarles by the Grace of God, King of *England*, *Scotland*, *France*, E 'and *Ireland*, Defender of the Faith, *&c.* To the Treaſurer, and 'Under-Treaſurer for our Exchequer for the time being, Greeting: We 'do hereby will and command you, out of our Treaſury remaining in the 'Receipt of our ſaid Exchequer, forthwith to pay, or cauſe to be paid 'unto *Philip Burlemack* of *London*, Merchant, the ſum of Thirty thou- 'ſand pounds, to be paid by him over by Bill of Exchange into the 'Low-countreys, and *Germany*, unto our Truſty and Well-beloved, 'Sir *William Balfoure* Knight, and *John Dolbier* Eſquire, or either of F 'them, for levying and providing certain numbers of Horſes, with 'Arms for Horſe and Foot, to be brought over into this Kingdom 'for our ſervice, *viz.* for the levying and tranſporting of one thouſand 'Horſe, fifteen thouſand pounds; for five thouſand Muskets, five thou- 'ſand Corſlets, and five thouſand Piks, ten thouſand five hundred

'pounds

"pounds; and for one thouſand Curaſeers compleat, two hundred "Corſlets and Carbines, four thouſand five hundred pounds, amount- "ing in the whole to the ſaid ſum of thirty thouſand pounds. And this "our Letter ſhall be your ſufficient Warrant, and diſcharge in this be- "half. Given under our Privy Seal, at our Palace of *Weſtminſter*, the "30 of *January*, in the third year of our Reign.

June the ſeventh, the King came to the Lords Houſe, and the Houſe A of Commons were ſent for. And the Lord Keeper preſented the humble Petition of both Houſes, and ſaid,

The Petition of both Houſes to his Majeſty for a further Anſwer to the Petition of Right.

B **MAy it pleaſe your moſt excellent Majeſty, the Lords Spiritual and Temporal, and Commons in Parliament aſſembled, taking into conſideration that the good intelligence between your Majeſty and your People doth much depend upon your Majeſties anſwer unto their Petition of Right formerly preſented. With unanimous** B **conſent do now become moſt humble Suitors unto your Majeſty, that you would be pleaſed to give a clear and ſatisfactory anſwer thereunto in full Parliament.**

Whereunto the King replied,

His Majeſties ſecond Anſwer to the Petition of Right.

The Anſwer I have already given you was made with ſo good deliberation, and approved by the judgments of ſo many wiſe men, that I could not have imagined but it ſhould have given you full ſatisfaction; C But to avoid all ambiguous interpretations, and to ſhew you there is no doubleneſs in my meaning, I am willing to pleaſure you as well in words as in ſubſtance, read your Petition, and you ſhall have an Anſwer that I am ſure will pleaſe you.

The Petition was read, and this anſwer was returned: *Soit droit fait come il eſt deſire.*

C. R.

D This I am ſure (ſaid his Majeſty) is full, yet no more then I granted you in my firſt Anſwer; for the meaning of that was to confirm your Liberties, knowing according to your own Proteſtations, that ye neither mean nor can hurt my Prerogative. And I aſſure you my Maxim is, That the Peoples Liberties ſtrengthen the Kings Prerogative, and the Kings Prerogative is to defend the Peoples Liberties.

You ſee how ready I have ſhewed my ſelf to ſatisfie your demands ſo that I have done my part; Wherefore if this Parliament have not a E happy concluſion, the ſin is yours I am free from it.

Whereupon the Commons returned to their own Houſe with unſpeakable joy, and reſolved ſo to proceed as to expreſs their thankfulneſs; and now frequent mention was made of proceeding with the Bill of Subſidies, of ſending the Bills (which were ready) to the Lords, of perfecting the Bill of Tunnage and Poundage, and Sir *John Strangewaies* alſo expreſſed his joy at the Anſwer, and further added, Let us perfect our Remonſtrance; King *James* was wont to ſay, He knew that by Par- F liaments which otherwiſe he could never have known.

All Grand Committees to ceaſe.

After the granting the Petition of Right, the Houſe ordered that the Grand Committees for Religion, Trade, Grievances, and Courts of Juſtice, to ſit no longer, but that the Houſe proceed only in the conſideration of Grievances of moſt moment: And firſt they fell upon the Commiſſion for Exciſe, and ſent to the Lord Keeper for the ſame who re-

An. 1628. turned anſwer that he received Warrant at the Council Table for the ſealing thereof, and when it was ſealed, he carried it back to the Council Table. The Commiſſion being ſent, it was read in the Houſe, *viz.*

CHARLES, By the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. To Sir Thomas Coventry Knight, Lord Keeper of the Great Seal of England; To James Earl of Malburg, Lord High Treaſurer of England, Henry Earl of Mancheſter, Lord Preſident of our Council, Edward Earl of Worceſter, Lord Keeper of our Privy Seal, George Duke of Buckingham, Lord High Admiral of England, William Earl of Pembrook, Lord Steward of our Houſhold, Philip Earl of Mountgomery, Lord Chamberlain of our Houſhold, Theophilus Earl of Suffolk, Edward Earl of Dorſet, William Earl of Salisbury, Thomas Earl of Exeter, John Earl of Bridgwater, James Earl of Carliſle, Henry Earl of Holland, William Earl of Denbigh, George Earl of Totnes, Sir George Hay Knight, Lord Chancellor of Scotland, William Earl of Morton, Thomas Earl of Kelley, Thomas Earl of Mellers, Edward Viſcount Conway, one of our principal Secretaries of State, Edward Viſcount Wimbleton, Oliver Viſcount Grandiſon, Henry Falkland Lord Deputy of Ireland; To the Lord Biſhop of Wincheſter, William Lord Biſhop of Bath and Wells, Fulk Lord Brook, Dudley Aſh Lord Carleton, Vice Chamberlain of our Houſhold, Sir Thomas Edmonds Treaſurer of our Houſhold, Sir John Savil Controuler of our Houſhold, Sir Robert Nanton Maſter of the Court of Wards, Sir John Cook one of the principal Secretaries of State, Sir Richard Weſton Chancellor and under Treaſurer of our Exchequer, Julius Cæſar Maſter of the Rolls, and Sir Humphrey May Knight Chancellor of our Dutchy of Lancaſter, Greeting. Whereas the preſent Conjuncture of the general Affairs of Chriſtendom, and our own particular intereſt, in giving aſſiſtance unto our oppreſſed Allies, and for providing for the defence and ſafety of our own Dominions, and People, do call upon Us to neglect nothing that may conduce to thoſe good ends: And becauſe Monies (the principal Sinews of War, and one of the firſt and chiefeſt movers in all great preparations and Actions) are neceſſary to be provided in the firſt place, and we are careful the ſame may be raiſed by ſuch ways as may beſt ſtand with the State of our Kingdoms, and Subjects, and yet may anſwer the preſſing occaſſions of the preſent times: We therefore, out of the experience We have had, and for the Truſt we repoſe in your Wiſdoms, Fidelities, and dutiful Care of your Service; And for the experience we have of all great Cauſes concerning us, and our State, both as they have relation to Foreign parts abroad, and as to our Common-wealth, and People at home (Ye being perſons called by Us to be of our Privy Council) have thought fit amongſt thoſe great and important matters, which ſo much concern us, in the firſt and chiefeſt place, to recommend this to your ſpecial care and diligence.

And we do hereby Authorize and Appoint, and ſtrictly Will and Require you, that ſpeedily and ſeriouſly you enter into conſideration of

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of all the beſt and ſpeedieſt ways and means ye can for raiſing of Monies for the moſt important occaſions aforeſaid: Which without extremeſt hazard to Us, our Dominions, and People, and to our Friends, and Allies, can admit of no long delay, the ſame to be done by Impoſitions, or otherwiſe, as in your wiſdoms and beſt Judgments ye ſhall find to be moſt convenient in a caſe of this inevitable neceſſity, wherein Form and Circumſtance muſt be diſpenſed with, rather than the Subſtance be loſt, and hazarded. And herein our will and pleaſure is, that You or as many of You from time to time as can be ſpared from attendance upon Our Perſon, or other our neceſſary Services, do uſe all diligence by your frequent meetings, and ſerious conſiderations. And when ye have brought any thing to maturity, ye make report thereof unto us, for the advancement of this great ſervice, which with the greateſt affection we can, we recommend to your beſt care and Judgment, whereof ye muſt not fail, as ye tender Our Honour, and ſafety of our Dominions and People: And for doing hereof, theſe Preſents ſhall be to you, and every of you a ſufficient Warrant and diſcharge in that behalf: In witneſs whereof we have cauſed theſe Our Letters to be made Letters Patents; Witneſs Our Self at Weſtminſter the laſt day of February in the third year of Our Reign.

Per ipſum Regem.

Sir Edward Cook *obſerved ſome Circumſtances in the Commiſſion.*

Sir *Edward Cook's* Obſervations upon the ſaid Commiſſion.

FIrſt, it was after the Summons to the Parliament. Sure, ſome thought the Parliament ſhould not be. 2. There is a Pudor in it, was kept ſecret, ſome great Lords never knew it. 3. The end of it was Exciſes, for they are Impoſitions, and to be ſure he would have the word (otherwiſe) wherefore his advice was to go up to the Lords, and deſire a Conference, to complain of the Commiſſion, and deſire it may be Cancelled, and if there be any Inrolment of it, to cancel that alſo, and that the Projector may be found out and puniſhed.

Hereupon there enſued a Conference with the Lords, which was thus managed by Sir Edward Cook.

Sir *Edward Cook* manageth the Conference between both Houſes concerning the Commiſſion.

My Lords, the Subject of this Conference is a Commiſſion, therefore we ſhall deſire your Lordſhips to hear it read, which was done accordingly. That which I ſhall deliver is certain Obſervations out of the Patent. Firſt, The Perſons to whom it is directed. 2. The Authority that is committed. 3. The great Penalty laid on them if they do it not. 4. The Time.

1. The Perſons to whom it is directed are twenty three Lords, and other of his Majeſties Council. 2. The Authority committed unto them, is to conſider how Money may be levied by Impoſitions, or otherwiſe: It is true, it is but a Power to Levy Money by Impoſition; We do not find any thing raiſed (that is left to your Lordſhips) but a Commiſſion to levy Money by Impoſition or otherwiſe, give us leave to fear that Exciſe, and whatever is comprehended in it, was intended. Sure I am, it is againſt the Law, it is a very high breach of your Lordſhips, and our the poor Commons Liberties, and yet this being ill in it

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ſelf, may produce a happy effect: the King and both Houſes have given a Judgment, the greateſt that ever was againſt this in the Petition of Right, and when this Judgment is given, ſee how Gods goodneſs hath brought it to paſs, that this Patent ſhall be part of Execution of that Judgment, to damn it for the puniſhment.

I do utterly diſlike that Clauſe, *as you tender the Kings Honour*; That that muſt come to a thing of this nature, and it is ſtrange to me, I cannot dive into it, I leave it to your Lordſhips, for the time; it came out ſeven days after the Summons of Parliament, all knew the Parliament would deſcry this, but I hope it will now turn to good: I will not ſay it was kept ſecret. A

That which I am to demand of your Lordſhips firſt, is, that as we having conſidered of this Commiſſion, finding it *ex diametro* againſt the late Judgment in the Petition of Right, have condemned it; So your Lordſhips would concur with us as hitherto you have done.

2. That this Commiſſion as a thing againſt Law, may be cancelled. B

3. That if it be inrolled, A Vote may be made of it, and if not, that Order be taken that it be not inrolled.

4. That the Warrant may be damned and deſtroyed.

5. That it would pleaſe your Lordſhips in your wiſdoms to take into conſideration who is the Projector of this device, and if he could be found out, that ſome exemplary puniſhment may be according to Juſtice inflicted on him.

The Lords accepted the motion, and promiſed to preſent the ſame to his Majeſty. C

This done, the Houſe of Commons Voted that the Commiſſion, the not guarding the narrow Seas, the decay of Trade, and other particulars be inſerted in the Remonſtrance.

Freſh Debates in the Houſe againſt the Duke.

THE Houſe having well nigh finiſhed the ſeveral particulars of Grievances of moſt moment, reſumeth the former motion to declare who was the cauſe of all thoſe evils, which in a Committee of the whole Houſe was mentioned before. D

The Debate was as hot as ever, and the crimes ſo frequently objected againſt the Duke, were brought in afreſh, as if they had never been propoſed in the Houſe. One made a diſtinction that the Duke was *The cauſe* of ſome, and *A cauſe* of other Grievances. For the firſt he inſtanced in the diſaſter of the Armies, the decay of Ports, Trade, Ships, and Mariners. For the ſecond, he inſtanced in Religion. Firſt, his Mother was a Recuſant, and a foſterer of Recuſants. Secondly, Papiſts have honour in his own imployments, and Papiſt Captains are placed by him. And as for *Arminians*, *York* Houſe is a place of conſultation for *Mountague* and others, from whence is like to follow Innovation in Government. E

Another in purſuit of the Argument, that Papiſts were imployed by the Duke, named *Dalbeer*, as the man who betrayed our men at the Iſle of *Rhee*, where all was carried by the advice of private men, and ſome ill affected in Religion, and in an aſſault before they came away, 500 men were loſt, and in the Retreat *Dalbeer* was to make a Bridge, which did ſo intangle them, as they could make no defence: and all contrary to the advice of the reſt of the Commanders. F

Sir *Robert Philips* was of opinion to have the Declaration run thus, *We conceive the greatneſs and power of the Duke of* Buckingham *is the chief*

chief cauſe of all theſe evils. We are not in a way of Charge, but of a Remonſtrance.

Sir *John Elliot*, Sir *Edward Cook*, and Mr. *Selden* were poſitively to name the Duke as the cauſe of our evils, for ſo ſaid they, he had been already declared in the laſt Parliament, ſince when the cauſes are multiplied, and he hath deſerved nothing better of the Commonwealth. Sir *Joh. Elliot.*

A In this Debate there wanted no Mediators which did deſire the Houſe, for their own ends and happineſs, to be ſparing in that kind. Sir *Humphrey May* put them again in mind of the Kings deſire, that all perſonal aſperſions might be forborn, that his Majeſty will take it as an argument of their moderation and judgment, if they forbear in this.

Sir *Henry Martin* adviſed that the Remonſtrance be ſo framed, as to make it paſſable to his Majeſties judgment and affection: Let him be perſwaded that it comes from a publick ſenſe, and not from private ends. Sir *Henry Martin.*

B And he vindicated the Duke in point of Religion. 'Tis true, ſaid he, his Mother is a Recuſant, but never any thing more grieved him, and never did a Son uſe more means than he to convert her, and he hath no power over her; and for his own Lady whom he found not firm in his Religion, he hath uſed means to confirm her. As for *Arminians*, I have often heard him proteſt, and vow againſt theſe Opinions. It is true, many that have skill therein, may have ſome credit with him, and make uſe of his noble nature for their own ends. One particular I know well,

C that ſome Gentlemen and Preachers of great eſteem were queſtioned for a matter, wherein there was ſome error in the manner; of which they were preſented; I told him of them and that they were queſtioned, and he anſwered me, he would do the beſt he could for to countenance them.

Sir *Benjamin Rudyard*, gave his judgment, that if the matter be urged home, it will proclaim the man louder than we can in words. If we name exceſs of Power, and abuſe of Power, it will reach to the Duke, Sir *Benjamin Rudyard.*

D and all others in future times: and to a Gentleman of honour, nothing is ſo dear as ſenſe of Honour. I am witneſs, and do know that he did many great and good Offices to this Houſe. If the forfeiture of my life could breed an Opinion, that ye ſhould have no occaſion to complain at your next meeting, I would pawn it to you. Nor let any man ſay, it is fear makes us deſiſt, we have ſhewed already what we dare do.

And becauſe the imployment of *Dalbeer* had given much offence, Sir *Thomas Jermin* ſtood up in his defence, and ſaid, he had given great Sir *Thomas Jermin.*

E evidence of his Truſt and Fidelity. When the Count Palatine retired himſelf, and the Council agreed to ſend a party under Count *Mansfield* to make a head, and the King ſent word to the Palatine to be preſent in perſon, *Dalbeer* went along with him, with one more, and being in a Village in *Germany*, a Troop of fifty Horſe met them, *Dalbeer* went to the Captain and ſaid, we are in a Service, I will give you ſo many Crowns to conduct us, which was done, and *Dalbeer* went along with him.

F

In concluſion, *June* the 13th it was ordered upon the Queſtion, that the exceſſive Power of the Duke of *Buckingham*, is the cauſe of the Evils and Dangers to the King and Kingdom; and that this be added to the Remonſtrance.

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Dr. *Lamb* killed.

At this very time being *June* 18th 1628. Doctor *Lamb*, ſo called, having been at a Play-houſe, came through the City of *London*, and being a perſon very notorious, the Boys gathered thick about him, which increaſed to the acceſs of ordinary People and the Rabble; they preſently reviled him with words, called him a Witch, a Devil, the Dukes Conjurer, *&c.* he took Sanctuary in the *Windmill* Tavern at the lower end of the *Old Jury*, where he remained a little ſpace; but there being two doors opening to ſeveral Streets out of the ſaid Houſe, the Rout diſcovering the ſame, made ſure both doors, leſt he ſhould eſcape, and preſſed ſo hard upon the Vintner to enter the Houſe, that he, for fear the Houſe ſhould be pulled down, and the Wines in his Cellar ſpoiled and deſtroyed, thruſt the imaginary Devil out of his Houſe, whereupon the tumult carried him in a Croud among them, howting and ſhouting, crying a Witch, a Devil, and when they ſaw a Guard coming, by order of the Lord Mayor for the reſcue of him, they fell upon the Doctor, beat him and bruiſed him, and left him for dead. With much ado the Officers that reſcued him, got him alive to the Counter, where he remained ſome few hours, and dyed that night; The City of *London* endeavoured to find out the moſt active perſons in this Riot, but could not find any that either could, or, if they could, were willing to witneſs againſt any perſon in that buſineſs. This happened to be in Parliament time, and at that inſtant of time when they were about the Remonſtrance againſt the Duke.

A B

And ſhortly after, ſo high was the rage of people, that they would ordinarily utter theſe words. C

Let *Charles* and *George* do what they can,
The Duke ſhall dye like Doctor *Lamb*.

What Fine the City underwent for this miſcarriage, we ſhall obſerve in order of time.

Two days after the Privy Council writ this enſuing Letter to the Lord Mayor, Aldermen, and Sheriffs, of *London*. D

A Letter to the City about Dr. *Lambs* death.

WHereas we are given to underſtand, that by the fury and outrage of divers diſſolute and diſorderly perſons aſſembled together in great numbers without any reſiſtance made, or courſe taken to ſuppreſs them (by the Magiſtrates to whom it appertained) one Lamb *was in a barbarous manner ſlain and murdered, wherewith his Majeſty having been likewiſe made acquainted, as he is very ſenſible of the ſcandal that may hereby be caſt upon the Peace and Government of this Realm in general, when the chief City hereof, and where his own Perſon is reſident, ſhould by the remiſneſs and neglect of Magiſtrates, in the execution of his Laws, ſuffer a fact and miſdemeanor of ſo high a nature to be committed, and to paſs unpuniſhed. So he is very highly diſpleaſed thereat, and hath therefore commanded us in his name hereby ſtreightly to charge and require your Lordſhip, &c. that with all care and diligence you do forthwith inquire out the principal Actors and Abettors therein, and to cauſe them to be apprehended and committed to Priſon, and to be proceeded with, and puniſhed in the ſevereſt manner, that by the Laws of the Realm is provided againſt offenders in ſo high a nature. And ſo, &c.*

E F

Dr. *Neal*, and Dr. *Laud* ſuſpected for *Arminians*.

The Commons at this time voted that Dr. *Neal* Biſhop of *Wincheſter*, and Dr. *Laud* Biſhop of *Bath* and *Wells*, be named to be thoſe near about the

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the King who are suspected to be *Arminians*, and that they are justly suspected to be unsound in their opinions that way.

The House was turned again into a Committee concerning the Remonstrance.

Mr. *Selden*.

And Mr. *Selden* proposed that to the excessive power of the Duke should be added the abuse of that power, and since that abuse is the cause of these evils, that it be presented to his Majesty to consider whether it be safe for the King and Commonwealth, that a man of his power should be so near his Majesty, and it was ordered accordingly. All the parts of the Remonstrance being agreed unto, it was perfected to be presented to the King, being as followeth.

The Commons Remonstrance against the Duke.

MOST Dread Soveraign, as with humble thankfulness we your dutiful Commons now Assembled in Parliament, do acknowledge the great comfort which we have in your Majesties pious and gracious disposition, so we think it a meet and most necessary Duty, being called by your Majesty, to consult and advise of the great and urgent affairs of this Church, and Common-wealth, finding them at this time in apparent danger of ruine and destruction, faithfully, and dutifully to inform your Majesty thereof, and with bleeding hearts and bended knees, to crave your speedy redress therein, as to your own wisdom (unto which we most humbly submit our selves and our desires) shall seem most meet and convenient. What the multitude and Potency of your Majesties Enemies are abroad; What be their malicious and ambitious ends; and how vigilant and constantly industrious they are in pursuing the same, is well known to your Majesty; Together with the dangers threatned thereby to your sacred Person, and your Kingdoms, and the calamities which have already fallen, and do daily increase upon your Friends and Allies, of which we are well assured your Majesty is most sensible, and will accordingly in your great wisdom, and with the gravest and most mature Council, according to the exigency of the times and occasions, provide to prevent and help the same.

To which end we most humbly intreat your Majesty first, and especially to cast your eyes upon the miserable condition of this your own Kingdom, of late so strangely weakned and dejected, that unless, through your Majesties most gratious Wisdom, Goodness, and Justice, it be speedily raised to a better condition, it is in no little danger to become a sudden Prey to the Enemies thereof; and of the most happy and flourishing, to be the most miserable and contemptible Nation in the World. In the discoveries of which dangers, mischiefs, and inconveniencies lying upon us, we do freely protest that it is far from our thoughts to lay the least aspersion upon your sacred Person, or the least scandal upon your Government; for we do in all sincerity of our hearts, not only for our selves, but in the Name of all the Commons of the Realm (whom we present) ascribe as much duty, as a most loyal and affectionate People can do, unto the best King, (for so you are, and so have been pleased abundantly to express your self this present Parliament by your Majesties clear and satisfactory answer to our Petition of Right: For which both our selves and our posterity shall

An. 1628. ſhall bleſs God for you, and ever preſerve a thankful memory of your great goodneſs and Juſtice therein.) and we do verily believe, that all or moſt of theſe things which we ſhall now preſent unto your Majeſty, are either unknown unto you, or elſe by ſome of your Majeſties Miniſters offered under ſuch ſpecious pretences as may hide their own ill intentions, and ill conſequences of them, from your Majeſty. But we aſſure our ſelves according to the good example of your Majeſties Predeceſſors, nothing can make your Majeſty (being a wiſe and Judicious Prince, and above all things deſirous of the welfare of your People) more in love with Parliaments than this, which is one of the principal ends of calling them, that therein your Majeſty may be truly informed of the State of all the ſeveral parts of your Kingdom, and how your Officers and Miniſters do behave themſelves in the truſt repoſed in them by your Majeſty, which is ſcarce able to be made known unto you, but in Parliament, as was declared by your bleſſed Father, when he was pleaſed to put the Commons in Parliament aſſembled in mind, that it would be the greateſt unfaithfulneſs, and breach of duty to his Majeſty, and of the truſt committed to them by the Country that could be, if in ſetting forth the Grievances of the People, and the condition of all the parts of this Kingdom from whence they come, they did not deal clearly with him, without ſparing any how near and dear ſoever they were unto him, if they were hurtful or dangerous to the Common-wealth. A B C

In confidence therefore of your Majeſties gracious acceptation in a matter of ſo high importance, and in faithful diſcharge of our duties; We do firſt of all moſt humbly beſeech your Majeſty to take notice that howſoever we know your Majeſty, doth with your ſoul abhor, that any ſuch thing ſhould be imagined or attempted; Yet there is a general fear conceived in your people of ſecret working and combination to introduce into their Kingdom innovation and change of our holy Religion, more precious unto us than our lives and whatever this world can afford. And our fears and jealouſies herein are not meerly conjectural, but ariſing out of ſuch certain and viſible effects, as may demonſtrate a true and real Cauſe; For notwithſtanding the many good and wholſom Laws, and the Proviſions made to prevent the increaſe of Popery within this Kingdom, and notwithſtanding your Majeſties moſt gracious and ſatisfactory Anſwer to the Petition of both Houſes in that behalf, preſented to your Majeſty at Oxford, We find there hath followed no good execution nor effect, but on the contrary (at which your Majeſty out of the quick ſenſe of your own Religious heart cannot but be in the higheſt meaſure diſpleaſed) thoſe of that Religion do find extraordinary favours and reſpect in Court from perſons of great quality and power, whom they continually reſort unto, and in particular to the Counteſs of Buckingham, who her ſelf openly profeſſing that Religion, is a known favourer and ſupporter of them that do the ſame, which we well hoped upon your Majeſties Anſwer to the aforeſaid Petition at Oxford, ſhould not have been permitted, nor that any of your Majeſties Subjects of that Religion, juſtly to be ſuſpected, ſhould be entertained in the ſervice of your Majeſty, or your Royal Conſort the Queen. Some likewiſe D E F

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wise of that Religion have had Honours, Offices, and Places of Command and Authority lately conferred upon them. But that which striketh the greatest terror into the hearts of your Loyal Subjects concerning this, is, that Letters of Stay of Legal proceedings against them have been procured from your Majesty (by what indirect means we know not:) And Commissions under the Great Seal, granted and executed for composition to be made
A with Popish Recusants, with Inhibitions and Restraint both to the Ecclesiastical and Temporal Courts and Officers, to intermeddle with them, which is conceived to amount to no less than a Toleration, odious to God, full of dishonour, and extreme disprofit to your Majesty, of extreme scandal and grief to your good People, and of apparent danger to the present state of your Majesty, and of this Kingdom, their numbers, power, and insolency daily increasing in all parts of your Kingdom, and espe-
B cially about London, and the Suburbs thereof, where exceeding many Families do make their abode publickly, frequent Mass at Denmark-house, and other places, and by their often meetings and conferences, have opportunities of combining their Counsels and Strength together, and to the hazard of your Majesties safety, and the State, and most especially in these doubtful and calamitous times. And as our fear concerning change of subversion of Religion is grounded upon the daily increase of Papists, the
C open and professed Enemies thereof, for the Reasons formerly mentioned; So are the hearts of your good Subjects no less perplexed, when with sorrow they behold a daily growth and spreading of the Faction of the Arminians, that being, as your Majesty well knows, but a cunning way to bring in Popery, and the Professors of those Opinions, the common disturbers of the Protestant Churches, and Incendiaries in those States wherein they have gotten any Head, being Protestants in shew, but Jesuites in opinion;
D which caused your Royal Father, with so much pious wisdom, and ardent zeal, to endeavour the suppressing of them, as well at home as in the Neighbour Countreys. And your gracious Majesty, imitating his most worthy Example, hath openly, and by your Proclamation declared your mislike of those persons, and of their opinions; who notwithstanding are much favoured and advanced, not wanting friends even of the Clergy, near to your Majesty, namely, Doctor Neale Bishop of Winchester, and Doctor Laud Bishop
E of Bath and Wells, who are justly suspected to be unsound in their opinions that way. And it being now generally held the way to preferment, and promotion in the Church, many Scholars do bend the course of their Studies to maintain those Errors; their Books and Opinions are suffered to be printed and published; and on the other side, the imprinting of such as are written against them, and in defence of the Orthodox Church, are hinder'd and prohibited; and (which is a boldness almost incredible) this restraint of
F Orthodox Books, is made under colour of your Majesties formerly mentioned Proclamation, the intent and meaning whereof we know was quite contrary. And further, to increase our fears concerning Innovation of Religion, we find, that there hath been no small labouring to remove that which is the most powerful means

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to ſtrengthen and encreaſe our own Religion, and to oppoſe both thoſe, which is the diligent teaching and inſtruction of the People in the true knowledge and worſhip of Almighty God. And therefore means hath been ſought out to depreſs and diſcountenance pious, and painful, and Orthodox Preachers, and how conformable ſoever, and peaceable in their diſpoſition and carriage they be, yet the preferment of ſuch is oppoſed, and inſtead of being encouraged, they are moleſted with vexatious courſes, and purſuits, and hardly permitted to Lecture. And in thoſe places where are no conſtant preaching Miniſters, whereby many of your good people (whoſe Souls in this caſe, we beſeech your Majeſty to commiſerate) are kept in ignorance, and are apt to be eaſily ſeduced to error and ſuperſtition: It doth not a little alſo increaſe our dangers and fears this way, to underſtand the miſerable condition of your Kingdom of Ireland, where, without controll, the Popiſh Religion is openly profeſſed, and practiſed in every part thereof, Popiſh Juriſdiction being there generally exerciſed and avowed, Monaſteries, Nunneries, and other ſuperſtitious Houſes newly erected, re-edified, and repleniſhed with men and women of ſeveral Orders, and in a plentiful manner maintained at Dublin, and moſt of the Great Towns, and divers other places of the Kingdom; which, of what ill conſequence it may prove, if not ſeaſonably repreſſed, we leave to your Majeſties wiſdom to judge: But moſt humbly beſeech you (as we aſſure our ſelves you will) to lay the ſerious conſideration thereof to your Royal and Pious Heart, and that ſome ſpeedy courſe may be taken for redreſs therein.

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And if now to all theſe your Majeſty will be pleaſed to add the conſideration of the Circumſtances of time, wherein theſe courſes, tending to the deſtruction of true Religion, within theſe your Kingdoms, have been taken here, even then when the ſame is with open force and violence proſecuted in other Countreys, and all the Reformed Churches in Chriſtendom, either depreſſed, or miſerably diſtreſſed: We do humbly appeal unto your Majeſties Princely Judgment, whether there be not juſt ground of fear that there is ſome ſecret and ſtrong co-operating here with the enemies of our Religion abroad, for the utter extirpation thereof? and whether, if thoſe courſes be not ſpeedily redreſſed, and the profeſſion of true Religion more encouraged, we can expreſs any other but miſery and ruine ſpeedily to fall upon us? eſpecially, if beſides the viſible and apparent dangers wherewith we are compaſſed about, you would be pleaſed to remember the diſpleaſure of Almighty God, always bent againſt the neglect of his holy Religion, the ſtrokes of whoſe Divine Juſtice we have already felt, and do ſtill feel with ſmart and ſorrow in great meaſure.

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And beſides this fear of Innovation in Religion, we do in like faithful diſcharge of our duties, moſt humbly declare to your Majeſty, that the hearts of your People are full of fear of Innovation and Change of Government, and accordingly poſſeſſed with extreme grief and ſorrow; yet in this point by your Majeſties late Anſwer to our Petition of Right touching our Liber-

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4 Caroli.

ties much comforted, and raised again out of that sadness and discontent, which they generally had conceived throughout the whole Kingdom, for the undue courses which were the last year taken for raising of Moneys by Loans, than which (whatever your Majesty hath been informed to the contrary) there were never any moneys demanded nor paid with greater grief, and general dislike of all your faithful Subjects; though many partly out of fear, and partly out of other
A respects (yet most unwillingly) were drawn to yield to what was required.

The Billeting of Soldiers did much augment both their fears and grief, wherein likewise they find much comfort upon your gracious Answer to our Petition of Right, and to that we presented to your Majesty concerning this particular. Yet we most humbly beseech your Majesty, that we may inform you, that the still continuance, and late re-
B enforcing of those Soldiers, the conditions of their persons (many of them not being Natives of this Kingdom, nor of the same, but of an opposite Religion) the placing them upon the Sea-coast, where making head amongst themselves, they may unite with the Popish Party at home, if occasion serve, and joyn with an invading Enemy to do extreme mischief; and that they are not yet dismissed, both still minister cause of jealousie in your loving Subjects; for that the Soldiers cannot be continued without exceeding great danger of the peace and safe-
C ty of your Kingdom.

The report of the strange and dangerous purpose of bringing in German Horse and Riders, would have turned our doubts into despair, and our fears into a certainty of confusion, had not your Majesties gracious Message (for which we humbly give you thanks) comforted us by the assurance of your Royal Word, that they neither are, nor were intended by your Majesty for any Service in England, but that
D they were designed for some other foreign Imployment. Yet the sight of the Privy-Seal, by which it seemeth, they were to be levied; the great sum of money, which, upon examinations, we found to be paid for that purpose, gave us just cause of fear, That much about the same time there was a Commission under the Great Seal granted unto the Lords, and others of the Privy-Council, to consider of other ways for raising of monies, so particularly by Impositions, gave us just cause to suspect, that whatsoever was your Majesties
E gracious intention, yet there wanted not those, that under some colourable pretence, might secretly by this, as by other ways, contrive to change the frame both of Religion and Government, and thereby undermine the safety of your Majesty, and your Kingdoms.

These men could not be ignorant, that the bringing in of Strangers for aid, hath been pernicious to most States, where they
F have been admitted, but to England fatal. We do bless God that hath given your Majesty a wise understanding heart to discern of those courses, and that such power produceth nothing but weakness, and calamity. And we beseech your Majesty to pardon the vehemency of our expression, if in the Loyal and Zealous af-

An. 1628. fections we bear to your Majesty and your service, we are bold to declare to your Majesty, and the whole World, that we hold it far beneath the heart of any free English-man to think, that this victorious Nation should now stand in need of German Souldiers to defend their now King and Kingdom.

But when we consider the course formerly mentioned, and these things tending to an apparent change of Government, the often breaches of Parliament, whereby your Majesty hath been deprived of the faithful Counsel, and free Aids of your People, by taking of Tunnage and Poundage, without grant thereof by Act of Parliament, ever since the beginning of your Majesties Reign to this present, The standing Commission granted to the Duke of Buckingham to be general of an Army in the Land in the time of Peace, the discharging of faithful and sufficient Officers and Ministers, some from Judicial places, and others from the Offices and Authorities which they formerly held in the Common-wealth: We cannot but at the sight of such an apparent desolation as must necessarily follow these courses, out of the depth of sorrow, lift up our cries to Heaven for help, and next, under God, apply our selves unto your sacred Majesty, who, if you could hear so many thousands speaking together, do joyntly implore speedy help and Reformation.

And if your Majesty would be pleased to take a further view of the present state of your Realm, we do humbly pray you to consider, whether the miserable disasters, and ill success that hath accompanied all your late designs and actions, particularly those of Cales, and the Isle of Rhee, and the last Expedition to Rochel, have not extremely wasted that Stock of Honour that was left unto this Kingdom, sometimes terrible to all other Nations, and now declining to contempt beneath the meanest.

Together with our Honours, we there lost those (and that not a few) who had they lived, we might have some better hope of recovering it again, our valiant and expert Colonels, Captains, and Commanders, and many thousand common Souldiers and Mariners: Though we have some cause to think, that your Majesty is not as yet rightly informed thereof; and that of six or seven thousand of your Subjects lost at the Isle of Rhee, your Majesty received information but of a few hundreds. And this dishonour and loss hath been purchased with the consumption of above a million of Treasure.

Many of the Forts are exceeding weak, and decayed, and want both Men and Munition. And here we cannot but with grief consider, and complain of a strange improvidence (we think your Majesty will rather call it Treachery) That your Store of Powder, which, by Order of your Privy-Council, dated the Tenth of December, 1626. should be constantly Three hundred Last, besides a continual Supply of Twenty Last a moneth for ordinary expences, and were now fit (as we conceive) to be double the proportion, is at this time in the Tower (the present Warrants being served) but Nine Lasts and Forty eight pounds in all; which we tremble to think of. And that notwithstanding this extreme scarcity of Powder, great quantities have been permitted to be sold out of your Majesties Store,

to

4 *Caroli.*

to particular persons for private gain; whereof we have seen a Certificate, six Last sold sithence the fourteenth of January last, and your Majesties Store being unfurnished of Powder, which by a contract made with Mr. Elevyn by advice of your Lords in Parliament, ought to be supplied monethly with Twenty Last, at the rate of Three pound ten shillings ten pence a Barrel, your Majesty hath been forced to pay above Seven pound a Barrel for Powder, to be brought in from beyond Seas; for which purpose, Twelve thousand four hundred pounds was impressed to Mr. Burlemack the last year, and that Powder not so good as that by Contract your Majesty should have, by one third part: All which are most fearful and dangerous abuses. But what the poverty, weakness, and misery of our Kingdom is now grown unto by decay of Trade, and destruction, and loss of Ships and Mariners, within these three years, we are almost afraid to declare; And could we by any other means have been sure, that your Majesty should any other way have had a true information thereof, we should have been doubtful to have made our weakness, and extremity of misfortune in this kind, to appear: But the importunate and most pitiful complaints from all parts of the Kingdom near adjoyning to the Sea in this kind, would rend, as we think, the stoniest heart in the world with sorrow, and the sense we have of the miserable condition your Kingdom is in by reason thereof, especially, for that we see no possible means (being now shortly to end this Session) how to help the same, adds such a weight of grief unto our sad thoughts, as we have not words to express it: But for your Majesties more exact information therein, we beseech you be pleased to peruse the Kalendar of Particulars, which, with the Remonstrance, we most humbly present unto your Majesty.

One reason amongst many of this decay of Trade, and loss of Ships and Mariners, is, the not guarding of the Narrow Seas, the Regality whereof, your Majesty hath now in a manner wholly lost, being that wherein a principal part of the Honour and Safety of this Kingdom heretofore consisted; and now having absolutely neglected it, the Town of Dunkirk doth so continually rob and spoil your Subjects, that we can assure your Majesty (if some present and effectual remedy be not forthwith provided) the whole Trade of this Kingdom, the Shipping, Mariners, and all belonging thereunto, will be utterly lost and consumed. The principal cause of which evils and dangers we conceive to be the excessive power of the Duke of Buckingham, and the abuse of that power: And we humbly submit unto your Majesties excellent wisdom, whether it be safe for your Self, or your Kingdoms, that so great power as rests in him by the Sea and Land, should be in the hands of any one Subject whatsoever.

And as it is not safe, so sure we are, it cannot be for your service, it being impossible for one man to manage so many and weighty Affairs of the Kingdom as he hath undertaken, besides the ordinary Duties of those Offices which he holds, some of which well performed, would require the time and industry of the ablest men both of Counsel and Action, that your whole Kingdom will afford, especially in these times of common danger.

And

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And our humble desire is further, that your most excellent Majesty will be pleased to take into your most Princely consideration, whether, in respect the said Duke hath so abused his Power, it be safe for your Majesty and your Kingdom, to continue him either in his great Offices, or in his Place of Nearness and Counsel about your Sacred Person.

And this in all humility, aiming at nothing but the Honour of Almighty God, and the maintenance of his true Religion, the safety and happiness of your most excellent Majesty, and the preservation and prosperity of this Church and Common-wealth; we have endeavoured, with faithful hearts and intentions, and in discharge of the duty we owe to your Majesty and our Countrey, to give your Majesty a true Representation of our present danger, and pressing calamities, which we humbly beseech your Majesty graciously to accept, and to take the same to heart, accounting the safety and prosperity of your People, your greatest happiness, and their love, your richest Treasure. A ruful and lamentable spectacle, we confess, it must needs be, to behold those ruines in so fair an House, so many Diseases, and almost every one of them deadly, in so strong and well tempered a Body as this Kingdom lately was. But yet we will not doubt, but that God hath reserved this Honour for your Majesty, to restore the safety and happiness thereof, as a work worthy so excellent a Prince, for whose long life and true felicity we daily pray, and that your Fame and never-dying Glory may be continued to all succeeding Generations.

The Speaker appointed to deliver the Remonstrance.

HEreupon a Message was sent to his Majesty, desiring access to his Person with the Remonstrance, and the Speaker was appointed to deliver it; who much desired to be excused, but the House would not give way thereunto. The House also sent up the Bill of Subsidy unto the Lords. Soon after the King sends a Message by Sir *Humphrey May*, that he means to end this Session on the 26 of *June*: Whereupon the Commons fall upon the Bill of Tunnage and Poundage. In the mean time, this ensuing Order concerning the Duke was made in the *Star-Chamber*, upon the signification of his Majesties pleasure.

In Interiori Camera Stellata 16 Junii, *Anno quarto Caroli Reg.*

Order in Star-chamber concerning the Duke.

'FOrasmuch as his Majesty hath been graciously pleased to signifie 'unto his Highness Attorney-General, that his Royal pleasure is, 'That the Bill or Information exhibited into this Court, against the 'Right Honourable, *George* Duke of *Buck.* for divers great offences 'and misdemeanors objected against him, (for that his Majesty is fully 'satisfied of the innocency of that Duke in all those things mentioned in 'the said information, as well by his own certain knowledge, as by the 'proofs in the cause) shall therefore, together with the said Duke's 'Answer thereunto, and all other proceeding thereupon, be taken 'off the File, that no memory thereof remain of Record against him, 'which may tend to his disgrace. It is therefore ordered, That the said 'Information or Bill, the Answer thereunto, and all other Proceed-

'ings

'ings thereupon, be forthwith taken from the File, by his Majeſties ſaid 'Attorney-General, according to his Majeſties pleaſure therein ſignified 'under his hand, and now remaining in the cuſtody of the Regiſter of 'this Court. 4 *Caroli.*

Dated this preſent 16 day of *June* 4 *Caroli*
Exam. per Jo. Arthur.

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16 *Junii*, 1628.

The Duke deſires to clear himſelf concerning ſome words.

ON this very day the Duke ſignified unto the Houſe, that he is informed, that one Mr. *Chriſtopher Eukener* of the Houſe of Commons, hath affirmed, that his Grace did ſpeak theſe words at his own Table, viz. *Tuſh, it makes no matter what the Commons or Parliament doth, for without my leave and authority, they ſhall not be able to touch the hair of a Dog.* And his Grace deſired leave of their Lordſhips, that he might make his Proteſtation in the Houſe of Commons concerning that Speech. And to move them, that he which ſpake it of him, being a Member of that Houſe, might be commanded to juſtifie it, and his Grace heard to clear himſelf.

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Their Lordſhips conſidering thereof, ordered, That the Duke ſhall be left to himſelf to do herein what he thinks beſt in the Houſe of Commons, Whereupon the Duke gave their Lordſhips thanks, and proteſted upon his Honour, that he never had thoſe words ſo much as in his thoughts. The which Proteſtation the Lords commanded to be entred, that the Duke may make uſe thereof as need ſhall be.

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The Duke alſo charged one Mr. Melvin *for ſpeaking words againſt him, Viz.*

Firſt, That *Melvin* ſaid, That the Dukes Plot was, that the Parliament ſhould be diſſolved, and that the Duke and the King, with a great Army of Horſe and Foot, would war againſt the Commonalty, and that *Scotland* ſhould aſſiſt him; ſo that when War was amongſt our ſelves, the Enemy ſhould come in; for this Kingdom is already ſold to the Enemy by the Duke.

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2. That the Duke had a ſtronger Counſel than the King, of which were certain Jeſuites, *Scotch-men*, and that they did ſit in Counſel every night, from one of the Clock till three.

3. That when the King had a purpoſe to do any thing of what conſequence ſoever, the Duke could alter it.

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4. That when the Ordnance was Ship'd at St. *Martins*, the Duke cauſed the Soldiers to go on, that they might be deſtroyed.

5. That the Duke ſaid, he had an Army of 16000 Foot, and 1200 Horſe.

6. That King *James* his bloud, and Marquis *Hamilton*'s, with others, cries out for vengeance to Heaven.

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7. That he could not expect any thing but ruine of this Kingdom.

8. That Prince *Henry* was poiſon'd by Sir *Thomas Overbury*, and he himſelf ſerved with the ſame ſauce, and that the Earl of *Somerſet* and others could ſay much to this.

9. That he himſelf had a Cardinal to his Uncle, or near Kinſman, whereby he had great intelligence.

About

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The Commiſſion for Exciſe cancelled.

About the ſame time, the Lord Keeper reported to the Houſe of Lords what his Majeſty ſaid, touching the Commiſſion of Exciſe: *Viz.*

That their Lordſhips had reaſon to be ſatisfied with what was truly and rightly told them by the Lords of the Council, that this Commiſſion was no more but a Warrant of Advice, which his Majeſty knew to be agreeable to the time, and the manifold occaſions then in hand; but now having a Supply from the loves of his People, he eſteems the A Commiſſion uſeleſs; and therefore though he knows no cauſe why any jealouſie ſhould have riſen thereby, yet, at their deſires, he is content it be cancelled; and he hath commanded me to bring both the Commiſſion and Warrant to him, and it ſhall be cancelled in his own preſence.

The day following the Lord Keeper reported, that his Majeſty had cancelled the Commiſſion, and the Warrant for putting the Seal thereunto, and did there openly ſhew it; and a Meſſage was ſent B to the Commons to ſhew them the ſaid cancelled Commiſſion and Warrant.

Mr. *Selden* concerning Tunnage and Poundage.

The Commons reſume again the Debate upon the Bill of Tunnage and Poundage; whereupon Mr. *Selden* ſaid, Whereas the Kings Council objected, that 1 *Eliz.* ſaith, It was granted time out of mind to the King, I fear his Majeſty is told ſo, and ſome body doth aſcertain him ſo: But we may clear that, for not only 1 *Eliz.* but alſo in the Statute of 1 *Jac.* The word *Time out of mind* is, That whereas *H.* 7. C and other his Majeſties Progenitors, have had ſome Subſidy for the guarding of the Seas; and there were never a King but had ſome Subſidy, in that ſenſe it is indeed time out of mind; yet is it a matter of free gift: For publick Bills, the King ſaith, *Le Roy veult*, for Petitions of Right, *Soit droit fait come eſt deſire.*

For the Bill of Subſidies, it is thus, The King heartily thanking the Subjects for their good wills; In all the Bills of Tunnage and Poundage is the very ſame Anſwer, ſave one, which was 1 *Eliz.* and but for D that only miſtake of the Clerk, it hath ever the ſame aſſent as the Bill of Subſidy.

Upon this Debate it was ordered, that a Committee be appointed to draw up a Remonſtrance to his Majeſty of the Peoples Rights, and of the undue taking of Tunnage and Poundage, and Impoſitions, without Act of Parliament; and to ſhew the Reaſons, why the Houſe cannot in ſo ſhort a time prepare that Bill.

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The Remonſtrance was as followeth.

The Commons Remonſtrance of Tunnage and Poundage.

MOſt gracious Sovereign, Your Majeſties moſt Loyal and Dutiful Subjects, the Commons in this preſent Parliament aſſembled, being in nothing more careful, than of the Honour and Proſperity of your Majeſty, and the Kingdom, which they know do much depend upon that happy union and relation betwixt your Majeſty and your People, do, with much ſorrow, apprehend, F that by reaſon of the incertainty of their continuance together, the unexpected interruptions which have been caſt upon them, and the ſhortneſs of time in which your Majeſty hath determined to end this Seſſion, they cannot bring to maturity and perfection, divers buſineſſes of weight, which they have taken into

4 *Caroli.*

into their consideration and resolution, as most important for the common good: Amongst other things, they have taken into especial care the preparing of a Bill, for the granting of your Majesty such a Subsidy of Tunnage and Poundage, as might uphold your Profit and Revenue in as ample a manner, as their just care, and respect of Trade (wherein not only the Prosperity, but even the Life of the Kingdom doth consist) would permit: But being
A a Work which will require much time, and preparation by Conference with your Majesties Officers, and with the Merchants, not only of London, but of other remote parts, they find it not possible to be accomplished at this time: Wherefore considering it will be much more prejudicial to the Right of the Subject, if your Majesty should continue to receive the same, without Authority of Law, after the determination of a Session, than if there had been a Recess by Adjournment only, in which case, that intended Grant
B would have related to the first day of the Parliament; and assuring themselves, that your Majesty is resolved to observe that your Royal Answer, which you have lately made to the Petition of Right of both Houses of Parliament; Yet doubting lest your Majesty may be mis-informed concerning this particular case, as if you might continue to take those Subsidies of Tunnage and Poundage, and other Impositions upon Merchants, without breaking that Answer, they are forced, by that duty which they owe
C to your Majesty, and to those whom they represent, to declare, That there ought not any Imposition to be laid upon the Goods of Merchants, Exported or Imported, without common consent by Act of Parliament, which is the Right and Inheritance of your Subjects, founded not only upon the most Ancient and Original Constitution of this Kingdom, but often confirmed and declared in divers Statute Laws.

And for the better manifestation thereof, may it please your
D Majesty to understand, That although your Royal Predecessors, the Kings of this Realm, have often had such Subsidies and Impositions granted unto them, upon divers occasions, especially for the guarding of the Seas, and safeguard of Merchants: Yet the Subjects have been ever careful to use such Cautions and Limitations in those Grants, as might prevent any Claim to be made, that such Subsidies do proceed from Duty, and not from the free Gift of the Subjects. And that they have hereto-
E fore used to limit a time in such Grants, and for the most part but short, as for a year or two, and if it were continued longer, they have sometimes directed a certain space of Cessation, or Intermission, that so the Right of the Subject might be more evident. At other times it hath been granted upon occasion of War, for a certain number of years, with Proviso, That if the War were ended in the mean time, then the Grant should cease: And of course it hath been sequestred into the hands of some Subjects,
F to be imployed for the guarding of the Seas. And it is acknowledged by the ordinary Answers of your Majesties Predecessors, in their Assent to the Bills of Subsidies of Tunnage and Poundage, that it is of the nature of other Subsidies, proceeding from the good will of the Subject: Very few of your Predecessors

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had it for life, until the Reign of H. 7. who was so far from conceiving he had any right thereunto, that although he granted Commissions for collecting certain Duties and Customs due by Law, yet he made no Commissions for receiving the Subsidy of Tunnage and Poundage, until the same was granted unto him in Parliament. Since his time, all the Kings and Queens of this Realm have had the like Grants for life, by the free love and good will of the Subjects. And whensoever the People have been grieved, by laying any Impositions or other Charges upon their Goods and Merchandises, without Authority of Law (which hath been very seldom) Yet upon complaint in Parliament, they have been forthwith relieved; saving in the time of your Royal Father, who having, through ill counsel, raised the Rates and Charges upon Merchandises to that heighth at which they now are, yet he was pleased so far forth to yield to the complaint of his People, as to offer, That if the value of those Impositions which he had set might be made good unto him, he would bind himself and his Heirs, by Act of Parliament, never to lay any other: Which offer, the Commons at that time, in regard of the great burden, did not think fit to yield unto. Nevertheless, your Loyal Commons in this Parliament, out of their especial zeal to your Service, and especial regard of your pressing occasions, have taken into their consideration, so to frame a Grant of Subsidy of Tunnage or Poundage to your Majesty, that both you might have been the better enabled for the defence of your Realm, and your Subjects, by being secure from all undue Charges, be the more encouraged chearfully to proceed in their course of Trade; by the increase whereof, your Majesties profit, and likewise the strength of the Kingdom, would be very much augmented.

A B C

But not being now able to accomplish this their desire, there is no course left unto them, without manifest breach of their duty, both to your Majesty and their Countrey, save only to make this humble Declaration, That the receiving of Tunnage and Poundage, and other Impositions, not granted by Parliament, is a breach of the Fundamental Liberties of this Kingdom, and contrary to your Majesties Royal Answer to the said Petition of Right. And therefore they do most humbly beseech your Majesty, to forbear any further receiving of the same; and not to take it in ill part from those of your Majesties loving Subjects, who shall refuse to make payment of any such Charges, without warrant of Law demanded.

D E

And as by this forbearance, your most Excellent Majesty shall manifest unto the World your Royal Justice, in the observation of your Laws: So they doubt not, but hereafter, at the time appointed for their coming again, they shall have occasion to express their great desire to advance your Majesties Honour and Profit.

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Mr. Noy.

MR. *Noy*, after the reading hereof, moved the House, that his Majesty might be requested, that the Merchants might ship their Goods without a Cocket, otherwise they do forfeit their Goods.

June

4 *Caroli.*

June 26. The Speaker being ſent for to the King at *Whitehall*, came not into the Houſe till about nine a clock. And after Prayers, the Remonſtrance concerning Tunnage and Poundage being ingroſſed, was a reading in the Houſe, and while it was a reading, the King ſent for the Speaker, and the whole Houſe, and the King made a Speech as followeth.

The King ends this Seſſion in Perſon, and declares the reaſon.

A 'IT may ſeem ſtrange, that I came ſo ſuddenly to end this Seſſion; 'before I give my aſſent to the Bills, I will tell you the cauſe, 'though I muſt avow, that I owe the account of my actions to God 'alone. It is known to every one, that a while ago the Houſe of 'Commons gave me a Remonſtrance, how acceptable every man may 'judge; and for the merit of it, I will not call that in queſtion, for I 'am ſure no wiſe man can juſtifie it.

'Now ſince I am truly informed, that a ſecond Remonſtrance is B 'preparing for me to take away the profit of my Tunnage and Poun- 'dage, one of the chief maintenances of my Crown, by alledging, 'I have given away my Right thereto by my Anſwer to your Pe- 'tition.

'This is ſo prejudicial unto me, that I am forced to end this Seſſion 'ſome few hours before I meant, being not willing to receive any more 'Remonſtrances, to which I muſt give a harſh Anſwer. And ſince I ſee, 'that even the Houſe of Commons begins already to make falſe con- C 'ſtructions of what I granted in your Petition, leſt it be worſe interpre- 'ted in the Countrey, I will now make a Declaration concerning the 'true intent thereof.

'The profeſſion of both Houſes in the time of hammering this Pe- 'tition, was no way to trench upon my Prerogative, ſaying they had 'neither intention or power to hurt it. Therefore it muſt needs be con- 'ceived, that I have granted no new, but only confirmed the ancient Li- 'berties of my Subjects. Yet to ſhew the clearneſs of my intentions, that D 'I neither repent, nor mean to recede from any thing I have promiſed 'you, I do here declare my ſelf, That thoſe things which have been 'done, whereby many have had ſome cauſe to expect the Liberties of 'the Subjects to be trenched upon, which indeed was the firſt and true 'ground of the Petition, ſhall not hereafter be drawn into example for 'your prejudice, and from time to time, in the word of a King, ye ſhall 'not have the like cauſe to complain. But as for Tunnage and Poundage, 'it is a thing I cannot want, and was never intended by you to ask, nor E 'meant by me, I am ſure, to grant.

'To conclude, I command you all that are here to take notice of 'what I have ſpoken at this time, to be the true intent and meaning of 'what I granted you in your Petition; but eſpecially you, my Lords, 'the Judges, for to you only, under me, belongs the interpretation of 'Laws, for none of the Houſes of Parliament, either joynt or ſeparate, '(what new Doctrine ſoever may be raiſed) have any power either to 'make or declare a Law without my conſent. F

After this Speech ended, the Bill of Subſidy was delivered to the Speaker, ſtanding at the Bar in the Lords Houſe, who made a ſhort Speech, and ſhewed, that it was the greateſt gift that ever was given in ſo ſhort a time. And ſo craving pardon for the errors of the Houſe, and his own, (which he knew to be very many) he deſired the King to give his Royal Aſſent.

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The King came ſo ſuddenly and unexpectedly to the Houſe, that the Lords were not in their Robes, and the Commons had given no direction or order for the Speaker to deliver the Bill of Subſidies. Neither was it brought down to the Commons Houſe, as it was uſed, but the Bills were read, and the Bill for the Sabbath, for Recuſants Children, for Alehouſe-Keepers, for continuance of Statutes, for the Clergies Subſidy, for the Lay Subſidy, all paſſed. But for the Bill for Explanation of the Statutes 3 *Jac.* about Leaſes of Recuſants Lands, the King ſaid, That in this ſhort time he had not time ſufficient to conſider thereof; but he ſaid, he found many Errors therein, though the Title be fair; and if at the next Meeting they would amend thoſe Errors, it ſhould paſs. A

Many private Bills paſſed alſo, and after they were all read, their Titles, and the Kings Anſwer to them, which to the publick Bills was *Le Roy le veult*, to the private, *Soit fait come il eſt deſire.*

The Lord Keeper ſaid, It is his Majeſties pleaſure that this Seſſion now end, and that the Parliament be Prorogued till the Twentieth of *October* next. B

At this Parliament, which begun at Weſtminſter *the* 17 *of* March, *Anno Regni R. Caroli* 3. theſe Acts were paſſed.

FIrſt, *An Act for further Reformation of ſundry abuſes committed on the Lords Day, called* Sunday.

2. *The Petition exhibited to his Majeſty by the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, concerning divers Rights and Priviledges of the Subject, with the Kings aſſent thereunto in full Parliament.* C

3. *An Act for repreſſing all unlicenſed Alehouſes.*

4. *An Act to reſtrain the ſending over of any to be Popiſhly bred beyond the Seas.*

5. *An Act for the eſtabliſhing of* Sutton's *Hoſpital, &c.*

6. *An Act for the eſtabliſhing of Tenants Eſtats of* Bromfield *and* Yale, *in the County of* Denbigh, *&c.* D

7. *An Act for the Continuance and Repeal of divers Statutes, &c.*

8. *An Act for Five entire Subſidies granted by the Clergy.*

9. *An Act concerning the Title, &c. of Earl of* Arundel, *and for the annexing of the Caſtle of* Arundel, *and other Lands, to the ſaid Title of Earl of* Arundel.

10. *An Act to aſſure the Jointure of the Lady* Francis Nevil, *and to enable the Lord* Abergavenny *to ſell Lands.* E

11. *An Act concerning the Lands of* William *Earl of* Devon.

12. *An Act to confirm the Eſtates of the Lord* Morley's *Tenants in* Tatham *and* Greſſingham.

13. *An Act for re-eſtating of Lands of* William Morgan *Eſq; and diſcharging the Truſt concerning them.*

14. *A Declaration of the Commons againſt Dr.* Manwaring.

15. *An Act to enable* Dutton *Lord* Gerrard *to make a Joynture to any Wife that he ſhall hereafter marry, and to provide for younger Children, and the ſecuring of Portions for* Alice, Frances, *and* Elizabeth Gerrard, *Siſters of the ſaid Lord* Gerrard. F

16. *An Act for reſtitution in Bloud of* Carew Rawleigh *Eſq; and to confirm Letters Patents made to the Earl of* Briſtol *by King* James.

17. *An*

17. *An Act for the Naturalizing of* Iſaac Aſhley, Henry Aſhley, Thomas Aſhley, *and* Bernard Aſhley, *ſons of Sir* Jacob Aſhley *Knight.* 4 *Caroli.*

18. *An Act for Naturalizing of* Samuel Powel.

19. *An Act for Naturalizing of* Alexander Levingſton *Gent.*

20. *An Act for the Naturalizing of* John Trumbal, *and of* William Beere, Edward Beere, *and* Sidney Beere, *and* Samuel Wentworth.

A 21. *An Act for the amendment of a word miſwritten in an Act made* An. 21 Jac. R. *to enable* Vincent Lowe *Eſq; to ſell Lands, &c.*

22. *An Act for Naturalizing of Sir* Robert Ayton *Knight.*

23. *An Act for confirmation of Letters Patents made by King* James *to* John *Earl of* Briſtol.

24. *An Act for Naturalizing of* John Alderſey, Mary Alderſey, Anne Alderſey, Eliz. Alderſey, *and* Margaret Alderſey, *&c.*

25. *An Act for the Naturalizing of* Daniel Delingue *Knight.*

B 25. *An Act for the Naturalizing of Sir* Robert Dyel *Knight, and* George Kirk *Eſq.*

27. *An Act for the Naturalizing of* James Freeſe.

In the Interval between the two Seſſions, there hapned many remarkable paſſages.

C

Dr. *Manwaring*'s Sermons ſuppreſſed by Proclamation.

DOctor *Manwaring*'s Sermons intituled, *Religion* and *Allegiance*, were ſuppreſſed by Proclamation, the King declaring, that though the grounds thereof were rightly laid to perſwade obedience from Subjects to their Sovereign, and that for Conſcience ſake; yet in divers paſſages, inferences, and applications thereof, trenching upon the Laws of this Land, and proceedings of Parliaments, whereof he was ignorant, he ſo far erred, that he had drawn upon himſelf the juſt cenſure and ſentence of the High Court of Parliament, by whoſe Judgment alſo that Book ſtands condemned: Wherefore being deſirous to remove occaſions of ſcandal, he thought fit that thoſe Sermons, in regard of their influences and applications be totally ſuppreſſed.

D

A Proclamation and Commiſſion concerning Compoſition with Recuſants.

Then a Proclamation came forth, declaring the Kings pleaſure for proceedings with Popiſh Recuſants, and directions to his Commiſſioners for making Compoſitions for two parts of three of their Eſtates, which, by Law were due to his Majeſty; nevertheleſs (for the moſt part) they got off upon eaſie terms, by reaſon of Compoſitions at under-values, and by Lettters of Grace and Protection, granted from time to time moſt of the wealthieſt of them.

E

A Proclamation againſt the Biſhop of *Calcedon.*

This was ſeconded with another Proclamation, commanding, that diligent ſearch be made for all Prieſts and Jeſuites (particularly the Biſhop of *Calcedon*) and others, that have taken Orders by authority from the See of *Rome*, that they be apprehended, and committed to the Gaol of that County where they ſhall be found, there to remain without Bail or Mainprize, till they be tried by due courſe of Law; and if, upon trial and conviction, there ſhall be cauſe to reſpite the execution of any of them, they ſhall not lie in the common Gaols, much leſs wander about at large, but according to the example of former times be ſent to the Caſtle of *Wisbich*, or ſome other ſafe Priſon, where they ſhall remain under ſtrait and cloſe cuſtody, and be wholly reſtrained

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ſtrained from exerciſing the Function, and ſpreading their ſuperſtitious and dangerous Doctrines.

Hereupon the Privy-Council wrote to the Biſhop of *Ely* a Letter of the tenour following.

Romiſh Prieſts to be ſent to *Wisbitch*.

'WHereas his Majeſty hath been informed, that the Romiſh 'Prieſts, Jeſuites, and Seminaries lurking in this Kingdom, 'do obſtinately and maliciouſly continue their wonted practices to ſup- A
'plant the true Religion eſtabliſhed, and to ſeduce his People from 'obedience, ſtir up ſedition, and ſubvert the State and Government 'ſo far as it lieth in their power: His Majeſty therefore hath comman- 'ded us to ſignifie unto your Lordſhips, that it is his expreſs will and 'pleaſure, according to his Declaration in Parliament, and his Roy- 'al Proclamation ſince publiſhed, you ſhall forthwith prepare and 'make ready the Caſtle of *Wisbitch*, in the Iſle of *Ely*, to receive and 'lodge all ſuch Prieſts, Jeſuites, and Seminaries, and other Priſoners, B
'as ſhall be thereafter ſent thither, and there treat and govern them 'according to ſuch inſtructions and directions, as ſhall be preſcribed by 'this Board.

Jeſuites taken at *Clerkenwell*, ordered to be proceeded againſt.

The Jeſuites taken in *Clerkenwell* being then in ſeveral Priſons, it was ordered by the Council they ſhould all be removed to *Newgate*, and ſuch of them as were not yet convicted and condemned, ſhould be proceeded againſt until they were condemned, and then that they all ſhould be C
ſent to the Caſtle of *Wisbitch*, according to the Proclamation in that behalf: And the Attorney-General was required to take courſe to entitle the King to the Goods taken in the Houſe which was deſigned for a Colledge; and accordingly they were proceeded againſt, and but only one convicted: Which proceeding was queſtioned in the enſuing Seſſion of Parliament.

Order to ſearch what Recuſants are about *London*.

And upon Information, that there was a greater concourſe of Recuſants in or near *London* than had been uſual at other times, the Privy-Council ſent to the Lord Mayor, to require him to cauſe diligent ſearch D
to be made within the City and Liberties thereof, and to find out what Recuſants did inhabit or remain there as Houſe-keepers, Inmates, or Lodgers, or in any manner, and to return a Certificate to the Board, both of their names and qualities, diſtinguiſhing which were Tradesmen that were there by occaſion of their Trades, according to the Statute in that behalf, and which were of no Trade, but reſorted thither from other parts of the Kingdom. E

Sir *Richard Weſton* and Biſhop *Laud* advanced.

July 15. (being St. *Swithin's* day) Sir *Richard Weſton*, Chancellor of the Exchequer, was made Lord Treaſurer of *England*; and the ſame day was Biſhop *Laud* tranſlated to the Biſhoprick of *London*.

Mr. *Montague* advanced, and his *Appello Cæſarem* called in.

About the ſame time, Mr. *Montague*, formerly mentioned, was deſigned to the Biſhoprick of *Chicheſter*, upon the deceaſe of Biſhop *Carleton*. Nevertheleſs his *Appello Cæſarem* was thought fit to be called in, the King declaring, that out of his care to maintain the Church in F
the unity of true Religion, and the bond of peace, to prevent unneceſſary diſputes, he had lately cauſed the Articles of Religion to be reprinted, as a rule for avoiding diverſities of opinions; and conſidering that a Book written by *Richard Montague*, now Biſhop of *Chicheſter*, intituled, *Appello Cæſarem*, was the firſt cauſe of thoſe diſputes and differences,

4 *Caroli.*

ences, which ſince have much troubled the quiet of the Church, he would take away occaſion, by commanding all perſons that had any of thoſe Books in their hands to deliver them to the Biſhop of the Dioceſs; or, if it be in either Univerſities, to the Chancellor and Vice-Chancellor thereof, who were commanded to ſuppreſs them. And if any by preaching, reading, or making of Books *pro* and *contra*, concerning thoſe unneceſſary queſtions ſhall revive the difference, he was
A reſolved to take ſuch order with them, and thoſe Books, as they ſhall wiſh they had never thought upon thoſe needleſs Controverſies.

Preaching and Writing *Pro* and *Con* about unneceſſary queſtions prohibited.

But ere this Proclamation was publiſhed, the Books were for the moſt part vented, and out of danger of ſeiſure, and the ſuppreſſing of all writing and preaching in Anſwer thereunto, was (it ſeems by ſome) the thing mainly intended; for the ſeveral Anſwers made by Doctor *Featly*, and Doctor *Goad*, in their Parallels, by Maſter *Burton*, Maſter
B *Ward*, Maſter *Yates*, Maſter *Wotton*, as alſo by *Francis Rows* Eſq; in a Book called, King *James*'s Religion, were all ſuppreſſed, and divers of the Printers queſtioned in High Commiſſion.

A Pardon granted to Dr. *Manwaring* and Dr. *Montague*.

Moreover Biſhop *Montague*, and Doctor *Manwaring*, procured a Royal Pardon of all Errors heretofore committed by them, either in ſpeaking, writing, or printing, for which they might be hereafter queſtioned: And Doctor *Manwaring*, cenſured by the Lords in Parliament, and perpetually diſabled from future Eccleſiaſticall Preferments in the
C Church of *England*, was immediately preſented to the Rectory of *Stamford Rivers* in *Eſſex*, and had a Diſpenſation to hold it, together with the Rectory of St. *Giles*'s in the Fields.

Rochel cloſe beſieged, and relief deſigned

The Town of *Rochel* was at this time ſtraitly beleagured by the *French* King, and the King of *England* had prepared a Fleet to relieve it, under the command of the Duke of *Buckingham*, who being advanced as far as *Portſmouth*, on *Saturday Auguſt* 23. being *Bartholomew* Eve, was ſuddenly ſlain in his own Lodgings there, by one Lieutenant
D *Felton*, about nine in the morning, who with one blow, having got a Knife for the purpoſe, ſtruck the Duke under the left rib, and up into the heart, leaving the Knife in his body, and got away undiſcovered. In the fall to the ground, the Duke was heard to ſay, *The Villain hath killed me.* Company coming preſently in, found him weltring in his bloud; and each perſon looking upon another, marvelled who ſhould do ſo horrid an act: a jealouſie was preſently had of *Monſieur Sobiez*, who was then there labouring for ſpeedy relief to be ſent to *Rochel*;
E but he proteſting his innocency, *Felton* immediately ſtept out, and ſaid, *I am the man that have done the deed, let no man ſuffer that is innocent.* Whereupon he was immediately apprehended, ſent to *London*, and there impriſoned. The King was within four miles of *Portſmouth*, when the news was brought him of the death of the Duke: he bid ſecure the Murderer: And Biſhop *Laud* had advertiſement of his death the 24. of *Auguſt*, being then at *Croyden*, with Biſhop *Neal* and other Biſhops, Conſecrating Biſhop *Montague* for *Chicheſter*.

The Duke ſlain.

Dr. *Montague* conſecrated Biſhop.

Rochel again attempted to be relieved, but in vain.

F Notwithſtanding the death of the Duke, the King purſued the deſign of relieving *Rochel*, and again ſent out a Fleet with Proviſion and Fire-ſhips to put relief into the Town; the Fleet went from *Plymouth* the beginning of *September*, did ſeveral times attempt the *Barricado*, but in vain, and ſo was enforced to give over any further attempt; which the *Rochellers* perceiving, gave themſelves for loſt, and immediately

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came to a Capitulation, upon very mean terms, as to themſelves; yet *Lewis* King of *France* was careful by Articles (had they been performed) that thoſe outrages ſhould not be committed upon the entry of the Town (which the few remaining Inhabitants were much afraid of, and afterwards felt) and ſo mixt Mercy with his Conqueſt; yet preſently after, high outrages were committed, and great was the perſecution of the Reformed Churches, which conſtrained them again to ſend to the King of *England* to implore Aid, with theſe Expreſſions, *That what they writ, was with their Tears and their blood.* But the Treaty being ſhortly after made between the two Crowns, all things were ſetled in peace between the King and thoſe of the Reformed Religion. A

The ſad condition of *Rochel* at the ſurrender.

Concerning the ſtate of *Rochel* at the ſurrender, we have ſeen a Relation to this purpoſe, That the miſery of the beſieged was almoſt incredible, having lived long upon Horſe-fleſh, Hides and Leather, Dogs and Cats, hardly leaving a Horſe alive, ſtill in hopes, that the relief promiſed from *England* would prove effectual to them; they held it ſo long, till they were but about four thouſand left alive of fifteen thouſand Souls, moſt of them died with famine, and when they begun to be pinched with the extremity of hunger, they died ſo faſt, that they uſually carried their Coffins into the Church-yard, and other places, and there laid themſelves in and died; great numbers of them being unburied when the Forces of the King of *France* entred the Town, and many Corps eaten with Vermine, Ravens and Birds. B

Defects in the relief of *Rochel* queſtioned.

The Fleet which thus put to Sea for the relief of *Rochel*, was defective, both in Victuals, which was tainted, and in Tackling, and other materials; inſomuch as at the return thereof, information being given to the King and Council of divers defaults and defects in the ſaid Ships, Victuals, and Proviſion, of this and the former Expedition to *Rochel*; and in the Diſcipline and performance of commands and reſolutions taken in that action, to the great prejudice of the Service; it was ordered, that the Earls of *Denbigh*, *Linſey*, and *Morton*, and the Lord *Wilmott*, and Maſter Secretary *Cook*, ſhould forthwith meet together, and conſider of the Relation made by the Earl of *Linſey*, and inform themſelves of defaults in the particulars before mentioned, and make report thereof to the Board. The *Scots*, under the command of the Earl of *Morton*, and ſome *Iriſh* alſo, were ſent to quarter in the Iſle of *Wight*, which Iſland was unacquainted with the quartering of Foreigners. C D

Outrages committed by the Soldiers.

In *Eſſex* many robberies and outrages were committed by the Soldiers then returned from Sea. Whereupon the Privy-Counſellers required the Juſtices of Peace in that County, to chooſe a Provoſt-Marſhal, for the apprehending of all ſuch as wandred up and down the Countrey, or behaved themſelves diſorderly, that they might be puniſhed according to Law; and to cauſe ſtrong Guards and Watches to be kept in all paſſages. E

Advertiſement of Foreign deſigns.

And upon advertiſement of ſome hoſtile preparations from Foreign Enemies, the Privy-Council taking care for ſecuring the Coaſts in *Kent*, *Suſſex*, *Hampſhire*, *Dorſetſhire*, and *Devonſhire*, renewed their directions to the Lords of thoſe Counties, for the careful watching of Beacons, *&c.* F

The King of *Denmark* aſſiſted with Forces.

About the time the Fleet went laſt to the relief of *Rochel*, the King being ſollicited by the Ambaſſadors of the King of *Denmark*, and the United Provinces, to ſend Shipping to ſecure the *Elbe*, and men for the defence of *Luckſtat*, reſolved upon the ſending of five Ships accordingly,

but

4 *Caroli.*

but firſt to diſpach the men for the relief of the Town, the preſervation whereof did mainly impart the ſecurity of the River, wherefore the Regiments then remaining in ſeveral of the States Garriſon Towns, which were reformed out of four Regiments, under the Command of Sir *Charles Morgan*, and ſuppoſed to conſiſt of two thouſand men, were deſigned for this Employment; But in regard that by the Capitulations at the rendring of *Stoade*, theſe Soldiers were firſt to touch in *England* before they could engage in war againſt the Emperour, they were appointed to come to *Harwich*, and ſo ſail thence to *Luckſtat*, under the Command of their former General, and by reaſon of the abſence of the *Engliſh* Fleet upon the Service of *Rochel*, the States and the Prince of *Orange* were deſired to accommodate them with Ships of Convoy in croſſing the Seas. But a while after the King conſidering that the ſix months wherein that Regiment was bound not to ſerve againſt the Emperour were near expiring, and the Winter approaching, which by foul Weather and contrary Winds, might expoſe both Men and Ships to great danger in their croſſing the Seas to *England*, and cauſe unneceſſary charge, commanded Sir *Charles Morgan* to forbear to touch at *Harwich*, but to ſhape his courſe by the neareſt and ſtraighteſt way from *Holland* to *Luckſtat*, and to ſtay at the place of embarquing, ſo many days as, with the time which will be taken up in their paſſage, may accompliſh the full ſix months; Moreover, theſe Reformed Regiments brought from *Stoade*, being found upon their Muſtering fourteen hundred, the King made a Supply of ſix hundred more by borrowing ſix or eight men out of every Company, ſerving in the States pay, under the Conduct of the Lord *Vere*, the ſeaſon of the year not permitting to rely upon new Recruits from *England*, for which he engaged his Royal word to the States and the Prince of *Orange*, that for every man they lent him, he would ſend them two as ſoon as his Forces return from *Rochel*.

The *Germans* Horſe diſpoſed of.

Touching the Horſe levied in *Germany*, and intended (as we ſaid) to be tranſported into *England*, about the laſt Seſſion of Parliament the Privy Council now wrote to *Dalbeer* upon certain overtures made by the King of *Sweden* and the Duke of *Savoy* to receive them into their Pay and Service, that he might diſpoſe of the ſaid Cavalry to thoſe Princes being his Majeſties Friends and Allies, with condition that his Majeſty be no further charged with their pay, tranſportation, or entertainment in any manner whatſoever.

Dr. *Laud* in favor with the King.

After the death of the Duke, the King ſeemed to take none to favour ſo much as Dr. *Laud* Biſhop of *London*, to whom he ſent many gracious Meſſages, and alſo writ unto him with his own hand, the which contained much grace and favour, and immediately afterwards none became ſo intimate with his Majeſty as the ſaid Biſhop.

Congé d'eſlier for certain Biſhops.

BY Orders from the Biſhop, there were then entred in the Docket-book ſeveral Conge d' eſliers and Royal aſſents for Dr. May *to be Biſhop of* Bath *and* Wells, *for Dr.* Corbet *to be Biſhop of* Oxford, *and for* Samuel Harſenet *then Biſhop of* Norwich, *to be Archbiſhop of* York.

In the Univerſity of Oxford, *Biſhop* Laud *bore the ſway. The Lord Chancellor* William *Earl of* Pembrook *committing his power into his hands. And this year he framed the Statutes for the reducing and limiting the free Election of Proctors, which before (as himſelf ſaid) were Factious and Tumultuary to the ſeveral Colledges by courſe.*

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The Meeting of the Parliament adjourned to *Jan.* 20. Great reſort to *Felton* in Priſon.

The meeting of the Parliament appointed to be the 20. of *October* was by Proclamation the firſt day of that month Prorogued to the 20. of *Jan.* following.

Whilſt *Felton* remained a Priſoner at *London*, great was the reſort of people to ſee the man who had committed ſo bold a murder, others came to underſtand what were the Motives and inducements thereunto; to which the man for the moſt part anſwered, that he did acknowledge the Fact, and condemned himſelf for the doing thereof. Yet withall confeſſed he had long looked upon the Duke as an evil Inſtrument in the Common-wealth, and that he was convinced thereof by the Remonſtrance of Parliament. Which conſiderations, together with the inſtigation of the evil One (who is always ready to put ſinful motions into ſpeedy actions) induced him to do that which he did; He was a perſon of a little ſtature, of a ſtout and revengeful Spirit, who having once received an injury from a Gentleman, he cut off a piece of his little finger, and ſent it with a Challenge to the Gentleman to fight with him, thereby to let him know that he valued not the expoſing his whole body to hazard ſo he might but have an opportunity to be revenged. A B

Felton examined before the Council.

Afterwards *Felton* was called before the Council, where he confeſſed much of what is before mentioned concerning his inducement to the Murder: the Council much preſſed him to confeſs who ſet him on work to do ſuch a bloody Act, and if the *Puritans* had no hand therein; he denied they had, and ſo he did to the laſt, that no perſon whatſoever knew any thing of his intentions or purpoſe to kill the Duke, that he revealed it to none living. Dr. *Laud* Biſhop of *London* being then at the Council-Table, told him if he would not confeſs, he muſt go to the Rack, *Felton* replied, if it muſt be ſo he could not tell whom he might nominate in the extremity of torture, and if what he ſhould ſay then muſt go for truth, he could not tell whether his Lordſhip (meaning the Biſhop of *London*) or which of their Lordſhips he might name, for torture might draw unexpected things from him: after this he was asked no more queſtions, but ſent back to priſon. The Council then fell into Debate, whether by the Law of the Land they could juſtifie the putting him to the Rack; The King being at Council ſaid, before any ſuch thing ſhould be done, let the advice of the Judges be had therein, whether it be Legal or no, and afterwards his Majeſty the 13. of *November* 4 *Car.* propounded the queſtion to Sir *Tho. Richardſon*, Lord Chief Juſtice of the Common Pleas, to be propounded to all the Juſtices, (*viz.*) *Felton* now a Priſoner in the *Tower*, having confeſſed that he had killed the Duke of *Buckingham*, and ſaid he was induced to this, partly for private diſpleaſure, and partly by reaſon of Remonſtrance in Parliament, having alſo read ſome Books, which, he ſaid, defended that it was lawful to kill an enemy to the Republick, the queſtion therefore is, whether by the Law he might not be Racked, and whether there were any Law againſt it, (for ſaid the King) if it might be done by Law, he would not uſe his Prerogative in this Point, and having put this Queſtion to the Lord Chief Juſtice, the King commanded him to demand the reſolutions of all the Judges. C D E F

Threatned to be Racked.

The Judges opinions taken therein.

Firſt the Juſtices of *Serjeants Inn* in *Chancery Lane* did meet and agree, that the King may not in this caſe put the party to the Rack. And the fourteenth of *November* all the Juſtices being aſſembled at *Serjeants Inn* in

in *Fleet-ſtreet*, agreed in one, that he ought not by the Law to be tortured by the Rack, for no ſuch puniſhment is known or allowed by our Law. 4 *Caroli.*

And this in caſe of Treaſon was brought into this Kingdom in the time of *Henry* the Sixth: note *Forteſcue* for this Point, in his Book *de laudibus legum Angliæ*, ſee the Preamble of the Act 28 *H.*8. for the Tryal of Felony, where Treaſons are done upon the Sea, and Statute 14 *Ed.* A 3. *ca.* of Jaylors or Keepers, who by dureſs make the Priſoners to be Approvers.

Since the laſt Seſſion of Parliament, certain Merchants who traded in Wines, had been committed to the Fleet, for the non-payment of an Impoſition of 20 *s.* the Tun, and were now at liberty upon their entring into Bond for the payment of that Impoſition. Merchants committed about Cuſtoms.

B Moreover the King in full Council declared his abſolute will and pleaſure to have the Entry of 2 *s.* 2 *d.* the hundred upon all Currants to be ſatisfied equally with that of 3 *s.* 4 *d.* before the landing of that Commodity, it being a Duty laid by Queen *Elizabeth*, who firſt gave being to the Levant Company, and which had been paid both in his Fathers time and his own, and that their Majeſties were equally poſſeſſed of the whole ſum of 5 *s*: 6 *d.* the hundred by a ſolemn and legal Judgment in the Exchequer, and he ſtraightly charged his Council to examine the C great abuſe in this point, and to make a full reparation to his Honour by inflicting puniſhment as well upon Officers as Merchants, that for the future they may beware of committing ſuch contempts.

And divers Merchants of *London* having forcibly Landed, and endeavoured to carry away their Goods and Merchandizes from the Cuſtom-houſe-Key, without payment of Duties, were ſummoned to the Council Table: And the Council was informed againſt them, that they had D cauſed great and unlawful aſſemblies of people to be gathered together, to the Breach of the Kings Peace, and Mr. *Chambers* was committed to Priſon by the Lords of the Council, for ſome words ſpoken at that time, *Michaelmas* 4 *Car.* Merchants ſummoned to the Council Table.

Richard Chambers being in Priſon in the *Marſheſey Del hoſtel de Roy*, deſired an *Habeas Corpus*, and had it, which being returnable upon the 16 day of *October*, the Marſhal returned, that he was committed to Pri- E ſon the 28 of *September* laſt, by the Command of the Lords of the Council. The Warrant *verbatim* was, that he was committed for inſolent behaviour, and words ſpoken at the Council-Table, which was ſubſcribed for by the Lord Keeper, and twelve others of the Council. [*The words were as information was given, though not expreſſed in the Return, That ſuch great Cuſtoms and impoſitions were required from the Merchants in* England, *as were in other place, and that they were more ſcrewed up, than under the Turk.*] And becauſe it was not mentioned what the words F were, ſo as the Court might adjudge of them, the Return was held inſufficient, and the Warden of the Priſon adviſed to amend his Return: and he was by the Rule of the Court appointed to bring his Priſoner by ſuch a day without a new *Habeas Corpus*, and the Priſoner was adviſed by the Court, That in the mean time he ſhould ſubmit to the Lords, and Petition them for his enlargement, The Warden of the Priſon bring- Mr. *Chambers* brought up with a *Habas Corpus*, and bailed.

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ing the Priſoner in again in Court, the 23 day of *October*. Then Mr. *Jermin* for the Priſoner moved, That foraſmuch as it appeared by the Return, that he was not committed for Treaſon or Felony, nor doth it appear what the words were, whereto he might give anſwer; he therefore prayed, he might be diſmiſſed or bailed. But the King's Attorney moved, that he might have day until the 25 of *October*, to conſider of the Return, and be informed of the words, and that in the *interim*, the Priſoner might attend the Council-Table and Petition. But the Priſoner affirmed, That he oftentimes had aſſayed by Petition, and could not prevail, although he had not done it ſince the beginning of *October*; and he prayed the Juſtice of the Law, and the Inheritance of a Subject; Whereupon, at his importunity, the Court commanded him to be bailed: and he was bound in a Recognizance of four hundred pounds, and four good Merchants, his Sureties, were bound in Recognizance of one hundred pounds apiece, that he ſhould appear here in *Craſtino animarum*, and in the *interim* ſhould be of the good behaviour: And advertiſed him, they might for contemptuous words, cauſe an Indictment or Information in this Court to be drawn againſt him, if they would.

Lords of the Council diſſatisfied with his bailing.

The Lords of the Council were much diſſatisfied with the bailing of *Chambers*. Whereupon the Judges were ſent for to the Lord Keeper at *Durham-houſe*, where were preſent, beſides the Lord Keeper, the Lord Treaſurer, Lord Privy-ſeal, and the Chancellor of the Dutchy: And the Lord Keeper then declared unto them, that the ſaid enlargement of *Chambers* was without due regard had to the Privy-Council, in not firſt acquainting them therewith. To this the Judges anſwered, That to keep a fair correſpondency with their Lordſhips, they had, by the Lord Chief Juſtice, acquainted the Lord Keeper in private therewith, before they bailed the party: And that what they had done as to the bailing of the Priſoner, was according to Law and Juſtice, and the Conſcience of the Judges. To this it was replied, That it was neceſſary, for the preſervation of the State, that the Power and Dignity of the Council-Table ſhould be preſerved, and that it could not be done without correſpondency from the Courts of Juſtice. So they parted in very fair terms.

Felton brought to trial.

On *Thurſday* the 27 of *November*, *Felton* was removed from the *Tower* to the *Gate-houſe*, in order to his Trial, and was the ſame day brought by the Sheriffs of *London* to the *Kings Bench Bar*, and the Indictment being read, he was demanded whether he were guilty of the murder therein mentioned: He anſwered, he was guilty in killing the Duke of *Buc.* and further ſaid, that he did deſerve death for the ſame, though he did not do it out of malice to him. So the Court paſſed Sentence of death upon him; whereupon he offered that hand to be cut off that did the fact; but the Court could not, upon his own offer, inflict that further puniſhment upon him: Nevertheleſs the King ſent to the Judges to intimate his deſire, that his hand might be cut off before execution. But the Court anſwered, that it could not be; for in all Murders, the Judgement was the ſame, unleſs when the Statute of 25 *E.* 3. did alter the nature of the offence, and upon a ſeveral Indictment, as it was in Queen *Elizabeth's* time, when a Felon at the Bar flung a ſtone at a Judge upon the Bench, for which he was indicted, and his Sentence was to have his

Confeſſeth the Fact.

Tenders his hand to be cut off.

his hand cut off; which was accordingly done. And they alſo proceeded againſt him upon the other Indictment for Felony, for which he was found guilty, and afterwards hanged. And *Felton* was afterwards hung up in Chains, in manner as is uſual upon notorious Murders.

4 *Caroli.*

Hung in Chains.

IN *Michaelmas Term*, the Farmers and Officers of the *Cuſtom-houſe* ſeized great quantities of Currants belonging to Mr. *Samuel Vaſſal* of *London*, Merchant, becauſe he refuſed to pay an Impoſition of five ſhillings and ſix pence upon every hundred weight of the ſaid Currants ſo imported, alledged to be due, and demanded on his Majeſties behalf: Mr. *Vaſſal* refuſed to pay the ſame, conceiving it was an Impoſition againſt the Law of the Land. Whereupon the Kings Attorney-General exhibited an Information in the Exchequer againſt the ſaid *Vaſſal*, ſetting forth, that King *James* did, by his Letters Patents, command the taking the ſaid Impoſition; and that his Majeſty that now is, by his Letters Patents, dated 26 *Junii*, 2 *Caroli*, by the advice of his Privy-Council, did declare his will and pleaſure to be, that Subſidies, Cuſtoms, and Impoſt ſhould be levied in ſuch manner, as they were in the time of King *James*, until it might receive a ſetling by Parliament; and the Information did ſet forth, that the ſaid *Samuel Vaſſal*, before the firſt day of *October* 4 *Car.* did bring into the Port of *London* 4638 hundred weight of Currants, for which he refuſed to pay Cuſtom.

Mr. *Vaſſals* Goods ſeiſed on for denying Cuſtoms.

Information preferred againſt him.

To this Information, the ſaid *Samuel Vaſſal* appeared, and pleaded the the Statute of *Magna Charta*, and the Statute *De talagio non conceedendo*; and that he was a Subject born under the King's Allegiance, and a Merchant, and that the ſaid Impoſition of five ſhillings ſix pence upon every hundred weight of Currants, was not *Antiqua ſeu recta conſuetudo*, and that it was impoſed without aſſent of Parliament: To which Plea, the ſaid Attorney-General demurred in Law, and Mr. *Vaſſal* joyned in demurer, *&c.*

Mr. *Vaſſals* Plea to the Information.

Afterwards the Barons of the Exchequer did publickly deny to hear Mr. *Vaſſals* Counſel to argue for him, ſaying, That his the ſaid *Vaſſals* Caſe would fall under the ſame rule with one *Bates* Caſe, and therefore the Caſe was already adjudged. Maſter *Vaſſals* Counſel alledged, That they had nothing to do with *Bates* his Caſe, but deſired to argue Maſter *Vaſſals* Caſe. The Barons replied, That they knew the opinion of the the Court, and ſhould be heard no further; and ſaid, That the King was in poſſeſſion, and they would keep him in poſſeſſion. And ſhortly after, the Court of Exchequer impriſoned the ſaid Mr. *Vaſſal*, for not paying ſuch ſums of money, as the Officers of the *Cuſtom-houſe* required, as due upon the ſaid Impoſition; and he could not obtain reſtitution of his Goods, and the Court gave their opinion upon the ſaid Information for the King againſt Mr. *Vaſſal*.

About the ſame time, divers Goods and Merchandiſes belonging to *Richard Chambers* of *London*, Merchant, were ſeized and conveyed into Store-houſes at the *Cuſtom-houſe*, by the Officers of the Cuſtom, becauſe the ſaid *Chambers* refuſed to pay the Subſidy of Tunnage and Poundage demanded by the Farmers, the ſaid *Chambers* conceiving no ſuch Subſidy or Duty was due or payable, the ſame having not been granted by Parliament to his Majeſty, and having ſued forth a Writ of *Replevin*, the proper remedy in Law to regain the poſſeſſion of his Goods; the Barons of the Exchequer did order an Injunction, under the

Mr. *Chambers* Goods ſeiſed on for notpaying Cuſtoms.

A Replevin ſued out.

And ſuperſeded.

An. 1628. the Seal of the ſaid Court, directed to the Sheriffs of *London*, commanding them thereby not to execute the ſaid Writ, or any the like Writs of *Replevin*, that ſhould afterwards be ſued forth by any perſon or perſons, for the delivery of any Goods in the like nature detained, and did declare publickly in Court, that the ſaid Goods by Law were not repleviable; and the Sheriffs of *London* did accordingly forbear to execute the ſaid Writ of *Replevin*. Maſter *Chambers* finding this obſtruction, offered to give great ſecurity unto the Court, for payment of ſuch Duties as ſhould be made apparent to be made payable to his Majeſty in ſuch manner, as the ſaid Barons ſhould direct the Court; afterwards debating this matter, they would not give way thereunto, unleſs the ſaid *Chambers* would depoſite all ſuch ſums of Money, as the ſaid Officers reſpectively demanded of him, for Duties to his Majeſty, which he refuſed to do. The Court did order the Officers of the Cuſtom to detain double value of the ſums by them demanded for Duties to his Majeſty, and to reſtore the reſidue. A B

Mr. *Rolls* a Merchant.

The ſame courſe of proceeding the Barons of the Exchequer held in the caſe of Mr. *John Rolls* in *London*, Merchant, whoſe Goods were detained for not paying of Tunnage and Poundage.

Private Conſultations about the enſuing Parliament.

The meeting of the Parliament now drawing nigh, the King conſults with a ſelect Committee of his Privy Councellors, what probably the Parliament, at their next meeting, would inſiſt upon, and how the Privy Council (who are Members of the Parliament) ſhall demean themſelves in ſuch caſes: And firſt, it was propoſed to his Majeſty's conſideration, That if in the Houſe of Commons it ſhall be moved with any ſtrength, that the Merchants Goods be delivered, before they proceed to the Bill of Tunnage and Poundage, the Anſwer by ſuch as are Privy Counſellors and Members of the Houſe to be, That if the Houſe intend to grant Tunnage and Poundage to the King, as it hath been granted to his Predeceſſors, it will end all diſpute; but if they proceed otherwiſe, then before they come to a reſolution, the King to ſpeak to them, and to declare, That though his Predeceſſors claimed it not but by Grant of Parliament, yet took it *de facto*, until it was granted by Parliament, and that his Majeſty hath done the like; and that if they will paſs the Bill to his Majeſty, as his Anceſtors had it, his Majeſty will do any reaſonable thing, to declare, that he claims not Tunnage and Poundage otherwiſe than by Grant in Parliament; but if this do not ſatisfie, then to avow a breach upon juſt cauſe given, not ſought by the King. C D E

And for bringing the Kings buſineſs to a ſpeedy iſſue, it was adviſed, That the Bill of Tunnage and Poundage be prepared before the Parliament ſit, in the ſame form as it paſſed to King *James*, adding words to give it from the firſt day of the Kings Reign, and that the Bill be preſented at the firſt ſitting of the Parliament, and the Privy Council of the Houſe to declare, that his Majeſty cauſed it to be timely preſented, to cut off all queſtions and debates, and to perſwade them to a diſpatch thereof, and that they will return a ſpeedy Anſwer, whether they will grant Tunnage and Poundage or not. F

They alſo took into conſideration divers other matters, which they

4 *Caroli.*

they apprehended the Parliament would inſiſt upon, as proceeding to cenſure the actions of the Duke of *Buckingham*, to accuſe ſome of the Kings Servants now living, upon common Fame, to caſt perſonal aſperſions in Parliament upon the Kings Councellors, or to charge them with giving ill counſel to the King, to handle queſtions touching matters of Religion, proper for his Majeſty, and a Convocation to determine, to raiſe objections againſt his Majeſties Speech the laſt day of the laſt Seſſion, as trenching upon the Liberty of the Subject, in theſe and the like caſes, the Privy Council of the Houſe were to be inſtructed how to demean themſelves, and to adviſe all fair and poſſible means to have a good agreement between his Majeſty and his People. But in caſe the Houſe proceed upon any of the particulars before mentioned, and draw towards a reſolution, that the Privy Council who are of the Houſe, do intimate that theſe Debates will tend to a breach, and will not be admitted of, and the King thereupon to declare himſelf preſently, that he will not ſuffer ſuch irregular courſes of proceeding.

The Parliament meets, they require whether the Petition of Right be enrolled.

SO ſoon as the Parliament reaſſembled on *Tueſday* the 20. of *Jan.* In the firſt place, the Commons inquired whether the Petition of Right, with his Majeſties Anſwer unto it were inrolled in the Parliament Rolls, and the Courts of *Weſtminſter*, as his Majeſty promiſed them the laſt Seſſion: and they found his Majeſties Speech made the laſt day of the Seſſion, entred by his Majeſties Command, together with the Petition, and *Norton* the Kings Printer being called into the Houſe and demanded by what Warrant the Additions (beſides his Majeſties Anſwer) to the Petition of Right were printed, he ſaid there was a Warrant as he thought from the King himſelf, and being demanded whether there were ſome Copies printed without Additions, he ſaid there were about 1500. but they were ſuppreſſed by Warrant, and Mr. Attorney General commanded that no more of them ſhould be printed, and that thoſe that were firſt printed ſhould not be divulged.

What were the violations of the Subjects Liberties ſince the laſt Parliament.

The next thing taken into conſideration, was the violation of the Liberties of the People, ſince the end of the laſt Seſſion, even contrary to the Petition of Right, ſome having been ſince the time committed; and a Command ſent to the Sheriff, not to execute a *Replevin*, when mens Goods and Merchandizes have been taken away, and it was inſtanced in the Caſe of Mr. *Rolls* a Merchant, and known to be a Member of the Houſe, to whom it was ſaid by ſome of the Officers of the *Cuſtom-Houſe*, *If all the Parliament were in you, we would take your Goods.*

Whereupon Sir *Robert Philips* made this Speech.

Sir *Robert Philips* Speech concerning that matter.

BY this Information you ſee how unfortunate theſe times are, and how full time it was for this Aſſembly to meet to ſerve his Majeſty, and to ſerve their Country, and I am confident, that coming hither with fulneſs of affection, to our King and Country, all will conduce to a happy Concluſion and the Kings Honour: Indeed our own great and weighty Affairs wound deep, caſt your eyes which way you pleaſe, you ſhall ſee violations on all ſides, look on the Liberty of the Subject, look on the Priviledge of this Houſe, let any ſay if ever he ſaw or read the like violations by inferior Miniſters that over-do their Command; they knew the party was a Parliament man, nay, they ſay if all the Parliament were in you, this we would do and juſtifie it. If we ſuffer the Priviledge of Parliament

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ment and Liberty of Subjects to be thus violated, for fear of complaint, we give a wound to the happineſs of the Kingdom. The courſe of Juſtice is interrupted, and an Order in the Exchequer made for the ſtay of the Goods, and ſince there is a ſeiſure, upon the approach of Parliament, of Goods amounting to five thouſand pounds, for a pretended duty of two hundred pounds cuſtom, it's time to look about us.

In the firſt year of King James, *by reaſon of the ſickneſs that there was, the Parliament was Prorogued; and then there were ſome ſo bold as to take this Tunnage and Poundage, and then we queſtioned the men that demanded it. Let us proceed with affection of duty, and make up breaches, let a Committee be appointed for the examination of theſe proceedings.* A

The matter was referred to a Committee.

This buſineſs was referred to a Committee, and the Officers of the Cuſtom-Houſe (who had ſeized theſe Merchants Goods) were ordered to be ſent for, and whilſt they were in Debate of this buſineſs, the King ſent a Meſſage to the Houſe, and willed them to deſiſt from further Debate of thoſe matters concerning Tunnage and Poundage, till the next day in the Afternoon, at which time, he would ſpeak with them at the Banqueting-Houſe *at* Whitehall, *where his Majeſty made this Speech.* B

The Kings Speech to both Houſes in the Banqueting Houſe.

THE care I have to remove all Obſtacles that may hinder the good correſpondency between me and this Parliament, is the cauſe I have called you together at this time, the particular occaſion being a complaint made in the lower Houſe. And for you my Lords, I am glad to take this, and all other occaſions whereby you may clearly underſtand both my words and actions, for as you are neareſt in Degree, ſo you are the fitteſt Witneſſes unto Kings. C

The complaint I ſpeak of is for ſtaying mens Goods that denied Tunnage and Poundage, this may have an eaſy and ſhort concluſion, if my words and actions be rightly underſtood: for by paſſing the Bill as my Anceſtors have had it, my by-paſt actions will be included, and my future proceedings authorized, which certainly would not have been ſtuck on, if men had not imagined that I had taken theſe duties as appertaining to my Hereditary Prerogative, in which they are much deceived, for it ever was and ſtill is my meaning, by the gift of my People to enjoy it, and my intention in my Speech at the ending of the laſt Seſſion concerning this point, was not to challenge Tunnage and Poundage as of right, but de bene eſſe, *ſhewing you the neceſſity, not the right by which I was to take it, until you had granted it to me, aſſuring my ſelf, according to your general profeſſions, you wanted time, not will to give it me.* D

Wherefore now having opportunity, I expect that without loſs of time you make good your profeſſions, and ſo by paſſing of a Bill, put an end to all the Queſtions ariſing from this Subject: eſpecially ſince I have cleared the only Scruple that can trouble you in this buſineſs; to conclude, let us not be jealous one of the others actions, for if I had been eaſily moved at every occaſion, the Order you made on Wedneſday *laſt, might have made me ſtartle, there being ſome ſhew to ſuſpect that you had given your ſelves the liberty to be the Inquiſitors after complaints (the words of your Order being ſomewhat too largely pen'd) but looking into your actions, I find you only hear Complainers, not ſeeking complaints: for I am certain you neither pretend, nor deſire the liberty to be Inquiſitors of mens actions before particular complaint be made.* E

This I have ſpoken to ſhew you how ſlow I am to believe harſhly of your proceedings, likewiſe to aſſure you, that the Houſes Reſolutions, not particular F

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mens ſpeeches, ſhall make me judge well or ill, not doubting, but according to my example, you will be deaf to ill reports concerning me, till my words and actions ſpeak for themſelves; that ſo this Seſſion beginning with confidence one towards another, it may end with a perfect good underſtanding between us: Which God grant.

Monday *the* 26. *of* January.

The King ſends a Meſſage to the Houſe of Commons, ſpeedily to take Tunnage and Poundage again into conſideration.

But the Commons reſolve to proceed in matters of Religion.

'MR. Secretary *Cook* delivered a Meſſage from the King to the Houſe of Commons, that the Bill for Tunnage and Poundage 'might be ſpeedily taken into conſideration, and that time might not 'be ſlipt; and did very much preſs (in his Majeſties name) the reading 'thereof, as a matter of weight and importance; and ſaid, That he ſpake 'it for their ſervice, and that moderation in their proceedings would 'be of great advantage to them. But the Houſe being troubled to 'have the Bill impoſed upon them, which ought naturally to ariſe from 'themſelves, did at the ſame time forbear to ſpeak their minds freely, 'and reſolved to husband their time, and did accordingly further im-'power the Committee to examine violation of Liberty, and Property 'ſince the laſt Seſſion of Parliament; and reſolved to proceed in the 'next place with matters of Religion, and particularly againſt the 'Sect of *Arminians*. Upon which occaſion, Mr. *Rous* ſpake to this pur-'poſe.

Mr. *Rous*'s Speech concerning Religion.

'Mr. Speaker, We have of late entred into conſideration of the 'Petition of Right, and the violation of it, and upon good reaſon; for 'it concerns our Goods, Liberties, and Laws: but there is a Right of 'higher nature, that preſerves for us far greater things, Eternal life, our 'Souls, yea, our God himſelf; a Religion delivered to us from the King of 'Kings, confirmed upon us by the Kings of this Kingdom, Enacted by 'Laws in this place, ſtreaming down to us in the bloud of Martyrs, wit-'neſſed from Heaven by Miracles, even miraculous deliverances, and this 'Right, in the name of this Nation, I this day require and claim, that there 'may be a deep and ſerious conſideration of the violation of it; I de-'ſire it may be conſidered what new paintings are laid on the old face of 'the Whore of *Babylon*, to make her ſhew more lovely, and to draw ſo 'many Suitors to her. I deſire that it may be conſidered, how the *See of* 'Rome doth eat into our Religion, and fret into the banks and walls of 'it, the Laws and Statutes of this Realm, eſpecially ſince thoſe Laws 'have been made in a manner by themſelves, even by their own Trea-'ſons, and bloudy Deſigns: And ſince that Popery is a confuſed heap 'of Errors, caſting down Kings before Popes, the Precepts of God be-'fore the Traditions of men (living and reaſonable men) before 'dead and ſenſleſs ſtocks and ſtones; I deſire that we may conſider the 'increaſe of *Arminianiſm*, an Error that makes the Grace of God Lackey 'it after the will of man, that makes the Sheep to keep the Shepherd, and 'makes a mortal ſeed of an immortal God. Yea, I deſire that we may 'look into the very belly and bowels of this Trojan Horſe, to ſee if 'there be not men in it ready to open the Gates to *Romiſh* Tyranny, 'and *Spaniſh* Monarchy: for an *Arminian* is the Spawn of a Pa-'piſt, and if there come the warmth of favour upon him, you ſhall 'ſee him turn into one of thoſe Frogs that riſe out of the bottom-

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'leſs pit; and if you mark it well, you ſhall ſee an Arminian reach-
'ing out his hand to a Papiſt, a Papiſt to a Jeſuite, a Jeſuite gives one
'hand to the Pope, another to the King of *Spain*, and theſe men
'having kindled a fire in our Neighbour-Countrey, now they have
'brought ſome of it over hither, to ſet on flame this Kingdom alſo;
'Yea, let us further ſearch and conſider, whether theſe be not the men,
'that break in upon the Goods and Liberties of this Common-wealth,
'for by this means they make way for the taking away of our Religi- A
'on: It was an old trick of the Devil, when he meant to take away
'*Job*'s Religion, he begun at his goods, ſaying, *Lay thy hand on all he hath,*
'*and he will curſe thee to thy face.* Either they think thereby to ſet a
'diſtaſte between Prince and People, or elſe to find ſome other way of
'ſupply, to avoid or break Parliaments; that ſo they may break in up-
'on our Religion, and bring in their errours. But let us do as *Job* did,
'who being conſtant againſt temptation, held faſt his Religion, and his
'goods were reſtored to him with advantage; ſo if we hold faſt God B
'and our Religion, theſe things ſhall be added unto us: Let us conſi-
'der the times paſt now, how this Nation flouriſhed in honour and
'abundance, when Religion flouriſhed amongſt us; but as Religion de-
'cayed, ſo the honour and ſtrength of this Nation decayed alſo: When
'the Soul of a Common-wealth is dead, the body cannot longer over-
'live it. If a man meet a dog alone, the dog is fearful, though never
'ſo fierce by nature; but if that Dog have his Maſter by him, he will ſet
'upon that man, from whence he fled before. This ſhews, that lower C
'natures being backt with the higher, increaſe in courage and
'ſtrength; and certainly man being backt with Omnipotency, is a kind
'of Omnipotency. All things are poſſible to him that believeth, and
'where all things are poſſible, there is a kind of Omnipotence. Where-
'fore let us now, by the unanimous conſent and reſolution of us all, make
'a vow and covenant, henceforth to hold faſt, I ſay, to hold faſt our
'God, and our Religion; and then may we from henceforth certainly
'expect proſperity on this Kingdom and Nation: And to this Covenant D
'let every man ſay, *Amen.*

Tueſday *the* 27 *of* January.

A Report from the Committee for Religion.

A Report was made to the Houſe from the Committee for Religi-
on, of matters concerning Religion, which paſſed the laſt Seſſion, E
and were ſince that time delivered by the Clerk (by command from
the King) to ſome whom his Majeſty had ſent for the ſame; for want
whereof, the Committee could not proceed. Hereupon Maſter Secretary
Cook brings this Meſſage from the King, That his Majeſty underſtanding
the Remonſtrance concerning Religion was called for, was pleaſed (to
take away all queſtion) to command him to deliver it unto them; ho-
ping nevertheleſs, that they will proceed with the Bill for Tunnage
and Poundage, and give precedency to that buſineſs, and ſo put an F
end to a further diſpute between ſome of his Subjects [meaning the
Cuſtomers, and Merchants, whoſe Goods were ſeiſed by the Cuſto-
mers for Tunnage and Poundage] or elſe he ſhall think his Speech,
which was with good applauſe accepted, had not that good effect which
he expected.

The Remonſtrance concerning Religion ſent back by the King.

But

4 *Caroli.*

Precedency again given to Religion before Tunnage and Poundage.

But the Houſe thought fit to prefer Religion, and to give it the firſt place in their Debates, ſaying, If *Popery* and *Arminianiſm* join hand in hand together, it would, by degrees, bring in *Spaniſh* Tyranny, under which theſe Laws and Liberties muſt ceaſe. Beſides, that it was fit time to enquire what perſons have been advanced to Eccleſiaſtical Preferments, and to whom Pardons have been granted ſince the laſt Seſſion; That Religion concerns the King as well as the Subjects, and the
A work of the Lord muſt not be done negligently. Whereupon the Houſe was diſſolved into a Committee, and gave Religion the precedency of Tunnage and Poundage. And in the Committee, Mr. *Pymme* ſpake as followeth.

Mr. *Pym*'s ſpeech concerning Religion.

'TWo diſeaſes there be (ſaid he) the one old, the other new; the 'old, Popery; the new, Arminianiſm. There be three things to 'be inquired after concerning Popery.

B '1. The ceſſation of the execution of Laws againſt Papiſts.

'2. How the Papiſts have been employed and countenanced.

'3. The Law violated in bringing in of ſuperſtitious Ceremonies 'amongſt us, eſpecially at *Durham* by Mr. *Cozens*, as Angels, Crucifixes, 'Saints, Altars, Candles on *Candlemas-day*, burnt in the Church after the 'Popiſh manner.

'For *Arminianiſm*, let it be adviſed,

'1. That a way be open for the truth.

C '2. That whereas by the Articles ſet forth 1652. and by the Cate-'chiſm ſet forth in King *Edward* the Sixths days, and by the writing of '*Martin Bucer* and *Peter Martyr*, who were employed in making our 'Articles; and by the conſtant profeſſions, ſealed by the bloud of ſo 'many Martyrs, as *Cranmer*, *Ridley*, and others; and by the 36 Articles 'in Queen *Elizabeths* times, and by the Articles agreed upon at *Lam-'beth*, as the Doctrine of the Church of *England*, which King *James* 'ſent to *Dort* and to *Ireland*, and were avowed by us and our State;

D 'his Majeſty hath expreſſed himſelf, in preſerving unity in Religion 'eſtabliſhed, though his Royal intention, notwithſtanding, hath been 'perverted by ſome to ſuppreſs the Truth. Let us ſhew wherein theſe 'late opinions are contrary to thoſe ſetled Truths, and what men have 'been ſince preferred, that have profeſſed theſe *Hereſies*; what par-'dons they have had for falſe Doctrine; what prohibiting of Books 'and Writings againſt their Doctrine, and permitting of ſuch Books as 'have been for them: Let us enquire after the Abettors; let us en-'quire alſo after the Pardons granted of late to ſome of theſe, and the 'preſumption of ſome that dare preach the contrary to truth before 'his Majeſty. It belongs to the duty of a Parliament to eſtabliſh true 'Religion, and to puniſh falſe; we muſt know what Parliaments have 'done formerly in Religion. Our Parliaments have confirmed gene-'ral Councils. In the time of King *Henry* VIII. the Earl of *Eſſex* was 'condemned for countenancing Books of Hereſie: For the Convoca-'tion, it is but a Provincial Synod of *Canterbury*, and cannot bind the

F 'whole Kingdom. As for *York*, that is diſtant, and cannot do any thing 'to bind us or the Laws; for the High Commiſſion, it was derived from 'Parliament.

An. 1628. Meſſage by Secretary *Cook* about Tunnage and Poundage.

'*Wedneſday* 28. Secretary *Cook* delivered another Meſſage to the 'Houſe concerning the precedency of Tunnage and Poundage, declaring, that his Majeſty intends not thereby to interrupt them, as to Religion, ſo that they do not intrench on that which belongs not to them; which Meſſage was ſeconded by Sir *Thomas Edmonds*, in theſe words.

Sir *Tho. Edmonds.*

'I am ſorry the Houſe hath given cauſe to ſo many Meſſages about 'Tunnage and Poundage, after his Majeſty hath given us ſo much ſatisfaction: You may perceive his Majeſty is ſenſible of the neglect of 'his buſineſs; we that know this, ſhould not diſcharge our duties to 'you, if we ſhould not perſwade you to that courſe which ſhould procure his Majeſties good opinion of you: You your ſelves are witneſſes, how induſtrious his Majeſty was to procure you gracious Laws 'in his Fathers time, and ſince, what enlargement he hath made of our 'Liberties, and ſtill we give him cauſe to repent him of the good he 'hath done. Conſider how dangerous it is to alienate his Majeſties 'hearts from Parliaments.' A B

Maſter Corriton *replied.*

Mr. *Corriton.*

'WHen men ſpeak here of neglect of duty to his Majeſty, let them 'know, we know no ſuch thing, nor what they mean: And I ſee 'not how we do neglect the ſame. I ſee it is in all our hearts to expedite 'the Bill of Tunnage and Poundage in due time: our buſineſs is ſtill put 'back by theſe Meſſages, and the buſineſs in hand is of God; and his 'Majeſties affairs are certainly amiſs, and every one ſees it; and wo be 'to us, if we preſent them not to his Majeſty. C

An Anſwer reſolved to be given to the Kings Meſſages.

The Houſe reſolved to ſend an Anſwer to the King, that theſe Meſſages are inconvenient, and breed debates and loſs of time; and did further reſolve, That Tunnage and Poundage, ariſing naturally from this Houſe, they would in fit time take ſuch a courſe therein, as they hoped would be to his Majeſties ſatisfaction and honour. And ſo again agreed to proceed at preſent in matters of Religion. D

Sir *John Elliot* concerning Religion.

Sir *John Elliot*, upon this occaſion, ſpake to this purpoſe, 'I have always obſerved (ſaid he) that in the proceedings of this Houſe, our 'beſt advantage is order; and I was very glad when that noble Gentleman, my Countrey-man, gave occaſion to ſtate our Proceedings; for 'I fear it would have carried us into a Sea of confuſion and diſorder. 'And having now occaſion to preſent my thoughts in this great 'and weighty buſineſs of Religion, I ſhall be bold to ſpeak a few 'words. E

'There is a jealouſie conceived, as if we meant to diſpute in mat-'ters of Faith; it is our profeſſion, this is not to be diſputed: it is not in 'the Parliament to make a new Religion, nor, I hope, ſhall it be in any 'to alter the body of the truth which we now profeſs. I muſt confeſs, 'amongſt all thoſe fears we have contracted, there ariſeth to me not one 'of the leaſt dangers in the Declaration that is made and publiſh'd in his 'Majeſties name, concerning diſputing and preaching; let not this my ſaying bear the leaſt ſuſpition or jealouſie of his Majeſty, for if there be 'any miſpriſion or errour, I hope it is thoſe Miniſters about him, which F

'not

4 *Caroli.*

'not only he, but all Princes are ſubject unto; and Princes, no doubt,
'are ſubject to mis-informations, and many actions may be entitled to
'their Names, when it is not done by themſelves. *Antiochus* King of
'*Aſia* ſent his Letters and Miſſives to ſeveral Provinces, that if they re-
'ceived any diſpatches in his name, not agreeable to juſtice, *Ignoto ſe*
'*literas eſſe ſcriptas ideoq; iis non parerent*; and the reaſon of it is given by
'*Gratian*, becauſe that oftentimes by the importunity of Miniſters, *Prin-*
A '*cipes ſæpe conſtringuntur, ut non concedenda concedant*, are drawn to
'grant things by them not to be granted; and as it was in that age, ſo
'it may be in this. And now to the particular in the Declaration, we
'ſee what is ſaid of *Popery* and *Arminianiſm*, our Faith and Religion is in
'danger by it, for like an Inundation it doth break in at once upon us.
'It is ſaid, If there be any difference of Opinion concerning the ſeaſon-
'able interpretation of the 39 Articles, the Biſhops and the Clergy in
'the Convocation have power to diſpute it, and to order which way
B 'they pleaſe, and, for ought I know, Popery and Arminianiſm may be
'introduced by them, and then it muſt be received by all: A ſlight
'thing, that the Power of Religion ſhould be left to the perſons of
'theſe men; I honour their profeſſion, there are among our Biſhops ſuch
'as are fit to be made examples for all Ages, who ſhine in virtue, and
'are firm for our Religion, but the contrary faction I like not. I re-
'member a Character I have ſeen in a Diary of *E. 6.* that young Prince,
'of famous memory, where he doth expreſs the condition of the Biſhops
C 'of that time under his own hand writing, That *ſome for ſloath, ſome*
'*for age, ſome for ignorance, ſome for luxury, and ſome for Popery, were*
'*unfit for Diſcipline and Government.* We ſee there are ſome among
'our Biſhops who are not Orthodox, nor ſound in Religion, as they
'ſhould be; witneſs the two Biſhops complained of the laſt meeting
'of the Parliament; I apprehend ſuch a fear, that ſhould we be in
'their power, we may be in danger to have our Religion over-
'thrown. Some of theſe are Maſters of Ceremonies, and they labour to
D 'introduce new Ceremonies into the Church; yet ſome Ceremonies
'are uſeful. Give me leave to join, that I hold it neceſſary and com-
'mendable, that at the Repetition of the Creed we ſhould ſtand up, to
'teſtifie the reſolution of our hearts, that we will defend the Religion
'which we profeſs; and in ſome Churches it is added, they did not
'only ſtand upright with their bodies, but with their ſwords drawn.
'Let us go to the ground of our Religion, and lay down a Rule
'on which all others may reſt; then when that is done, it will be
E 'time to take into conſideration the breakers and offenders of that
'Rule: Hereupon, after ſome debate, the Commons entred into this
'Vow.

The Vow of the Houſe of Commons in Parliament.

The Commons enter into a Vow.

F WE the Commons in Parliament Aſſembled, do Claim, Proteſt, and Avow for Truth, the ſenſe of the Articles of Religion, which were eſtabliſhed by Parliament in the Thirteenth year of our late Queen *Elizabeth*, which by the publick Act of the Church

An. 1628. Church of *England*, and by the general and currant Expoſitions of the Writers of our Church, have been delivered unto us. And we reject the ſenſe of the Jeſuites, and *Arminians*, and all others wherein they differ from us.

A

Friday *the Thirtieth of* January, 1628. *both Houſes join in petitioning the King for a Faſt.*

Both Houſes Petition the King for a Faſt.

MOſt Gracious Sovereign, It is the very earneſt deſire of us your moſt dutiful Subjects, the Lords Spiritual and Temporal, and Commons in this Parliament Aſſembled, that this Meeting may be abundantly bleſſed with all happy ſucceſs in the great Affairs of Church and State, upon which we are to conſult, and that by a clear underſtanding, both of your Majeſties goodneſs to us, and of our ever faithful and Loyal hearts to your Majeſties Royal Perſon and Service, (all jealouſies and diſtractions, which are apparent ſigns of Gods diſpleaſure, and of enſuing miſchief, being removed) there may this Seſſion, and for ever, be a perfect and moſt happy Union and Agreement between your Majeſty, and all the Eſtates of this Realm: But acknowledging, that neither this, nor any other bleſſing can be expected, without the eſpecial Favour of Almighty God, upon the obſervation of the continued increaſing miſeries of the Reformed Churches abroad, (whoſe Caſes, with bleeding hearts, we compaſſionate) as likewiſe of thoſe puniſhments already inflicted, and which like in great meaſure to fall upon our ſelves, we have juſt cauſe to conceive, that the Divine Majeſty is, for our ſins, exceedingly offended againſt us: Wherefore we do in theſe, and all other pious reſpects, moſt Dread Sovereign, humbly beſeech your moſt Excellent Majeſty, by your Royal Conſent and Commandment, that not only our ſelves, but all People of your Kingdom, may be ſpeedily enjoined, upon ſome certain day, by your Majeſty to be prefixed, by publick Faſting and Prayer to ſeek Reconciliation at the merciful hands of Almighty God; ſo that the Prayers of the whole Kingdom, joined with your Majeſties moſt Princely care, and the faithful hearts and endeavours of this Great Council aſſembled,

B C D E F

may

may procure honour to Almighty God in the preſervation of his true Religion, much honour to your Majeſty, proſperity to your People, and comfort to your Majeſties Friends and Allies. *4 Caroli.*

The Kings Anſwer to the Petition.

A

His Majeſties Anſwer.

MY Lords and Gentlemen, The chief Motive of your Petition, being the deplorable condition of the Reformed Churches abroad, is too true: And our duty is, ſo much as in us lieth, to give them all poſſible help; but certainly, fighting will do them more good than faſting; though I do not wholly diſallow of the latter: yet I muſt tell you, that the Cuſtom of faſting every Seſſion, is but lately begun, and I confeſs, I am not fully ſatisfied with the neceſſity of it at this time.

B

Yet to ſhew you how ſmoothly I deſire your buſineſs to go on, (eſchewing, as much as I can, Queſtions or Jealouſies) I do willingly grant your requeſt herein; but with this Note, That this ſhall not hereafter be brought into preſident for frequent Faſts, except upon great occaſions; and for form and time, I will adviſe with my Lords the Biſhops, and then ſend you a particular Anſwer.

C

Soon after the Houſe of Commons preſented a Declaration to the King, touching their Reſolutions to give precedency to Religion.

D

The Commons Declaration to the King, to give precedency to Religion.

MOſt gracious Sovereign, We have within theſe three days received from your Majeſty a Meſſage, putting us in mind of our preſent entring upon the conſideration of a Grant of Tunnage and Poundage; but the manner of poſſeſſing the Houſe therewith being diſagreeable to our Order and Priviledges, that we could not proceed therein; and finding our ſelves, in your Majeſties name, preſſed in

E

that buſineſs, and that we ſhould give precedency thereunto, we cannot but expreſs ſome ſenſe of ſorrow, fearing that the moſt hearty and forward affections, wherewith we deſire to ſerve your Majeſty, are not clearly repreſented unto you; beſides, ſuch is the ſolicitous care we have in preſenting our ſelves in your Majeſties moſt gracious and good opinion, that it cannot but breed much trouble in us, (when ever we find our ſelves (as now we are enforced) to ſpend that time in making our humble Apologies, from whence

F

do uſually ariſe long Debates, which we conceive might very profitably be applied in the greater Services of your Majeſty and the Commonwealth, which we did, with all humble diligence, apply our ſelves unto; and finding the extreme dangers wherewith our Religion is threatned (clearly preſenting it unto our thoughts and conſiderations) we thought, and we think we cannot, without

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without impiety to God, diſloyalty to your Majeſty, (and unthankfulneſs to thoſe from whom we are put in truſt) retard our Proceedings until ſomething be done to ſecure us in this main point, which we prefer above our lives, and all earthly things whatſoever. And here we do with all humble thankfulneſs acknowledge your Majeſties moſt pious care, and Princely intentions, to ſuppreſs both Popery and Arminianiſm; the Profeſſor of the one being an open enemy to the maintainer of the other, a ſubtile and more dangerous undermíner of the Religion of Almighty God, eſtabliſhed within your Realms and Dominions: The truth of which our whole Religion, or any part thereof (as being ſufficiently known, and received generally here of all the Members of our Church, except only of ſome Schiſmatical perſons, who have, of late years, taken the boldneſs to broach their contrary corrupt opinions) we deſire ſhould not be called in queſtion, or doubt; but howſoever it hath pleaſed your Majeſty, to our exceeding great comfort, by many teſtimonies to declare your own conſtant reſolution to maintain the ſaid Religion, yet we ſee how your gracious purpoſes are therein croſt, and into what a miſerable condition your whole Kingdom is likely, by that means, to be reduced; we ſhall earneſtly endeavour (as that which doth nearly concern us) the ſafety and proſperity of your Majeſty, and People, which are in ſuch ſort diſordered, that ruine thereby threatned to both, may, by Gods bleſſing, be prevented; being moſt heartily ſorry that theſe occaſions are offered, which did thus hinder our proceedings: And therefore as well for dignity and neceſſity of the matter, as for that we conceive it to be the moſt ſpeedy and effectual way, by uniting of all our hearts and endeavours to diſpatch all other buſineſs of importance, particularly thoſe which may ſeem more immediately to reſpect your Majeſties profit, we pray, that our reſolutions of preferring this buſineſs before all others, may be acceptable to your Majeſty, to whom, both in the matter and manner of our proceedings, we deſire to give all poſſible ſatisfaction.

A B C D

Whereunto the King thus Anſwered.

His Majeſties Anſwer to the Commons Declaration.

'GEntlemen, This Anſwer being ſomewhat long, may, in reaſon, 'require ſome time to reply unto it, ſince as moſt of you can- 'not but judge this giveth no ſatisfaction. Therefore I ſhall give you 'ſome ſhort Notes upon it; I cannot think, that whereas you alledge 'that the Bill of Tunnage and Poundage was brought in againſt the pri- 'viledge of your Houſe; That you will offer to take ſo much privi- 'ledge from every one of your Members, as not to allow them the li- 'berty to bring in any Bill whatſoever; although it be in your power, 'when it is brought in, to do with it what you think good; and I 'cannot imagine, you coming together by my power, and to treat of 'things that I propound unto you; though in this particular I muſt con- 'feſs, that this Bill was not to have been offered to you in my Name, as 'that Member of your Houſe can bear witneſs. As for the cauſe of de- 'lay in my buſineſs, (being Religion) there is none of you ſhall have a 'greater care for the true preſervation of it than my ſelf, which ſince 'it

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'it is confeſſed by your Anſwer; you muſt either think I want power, '(which cannot be) or that I am very ill counſelled, if it be in ſo much 'danger as you affirm: Though I may ſay much of this, I will ſay no 'more, but that for all this I ſhall not ſtop mine ears to you upon this 'ſubject, ſo that in form and matter you tranſgreſs not your limits; as 'for Tunnage and Poundage, I do not ſo much deſire it out of greedi-'neſs of the thing (being perſwaded you will make no ſtop in it, when A 'you once take it in hand) as out of a deſire to put an end to thoſe 'Queſtions that do ariſe between me and ſome of my Subjects, think-'ing it a ſtrange thing, if you ſhould give ear to thoſe complaints, and 'not to take the ſure and ſpeedy way to decide them. Beſides, I muſt 'think it ſtrange, that this buſineſs of Religion ſhould only be a hinde-'rer of my affairs, whereas I am certainly informed all other things go 'according to their ordinary courſe; therefore I muſt ſtill be inſtant 'with you, that you proceed with Tunnage and Poundage with diligence B '(not looking to be denied in ſo juſt a deſire) and you muſt not think 'it ſtrange, if I, finding you ſlack, give you ſuch further quickning as I 'ſhall find cauſe.

Hereupon Secretary *Cook* did acknowledge, that at the preſenting of the Bill of Tunnage to be read, he ſaid, his Majeſty much deſired it, but it was a miſtake that his Majeſty commanded it.

Wedneſday *the* 4 *of* February.

C

THe Houſe fell into debate of the Kings Declaration publiſhed in print, to prohibit diſpute of Preaching one way or other concerning the matters mentioned in the Declaration, alledging in the Debate, that the main end thereof was to ſuppreſs the Puritan Party, and yet to give liberty to the contrary ſide, and they conceived, that Biſhop *Laud* and Biſhop *Montague*, mentioned in the laſt Remonſtrance, had adviſed the King to that Declaration; Biſhop *Laud* being advanced ſince the D laſt Seſſion of Parliament to be Biſhop of *London*, and Mr. *Montague* ſince that time made Biſhop of *Chicheſter*; and a Warrant was granted to the Attorney-General to draw up a Pardon for him; but whereas the Warrant was but for one, the Attorney put four into the Pardon, (*viz.*) Biſhop *Montague*, Doctor *Coſens*, Doctor *Sibthorp*, and Doctor *Manwaring*.

Debate about the Kings *Declaration* concerning Diſputes about Religion.

Tueſday *the* 10 *of* February.

E

WHilſt the Houſe was in debate touching matters of Religion, the Ware-houſe of Mr. *Rolls* (Merchant, and Member of the Houſe, then ſitting in Parliament) was locked up by a Purſuivant, and himſelf called forth from the Committee, and ſerved with a *Subpœna*.

This gave occaſion of ſmart Debates in the Houſe; ſome ſaid, They were made the ſubject of ſcorn and contempt; others conceived this to be a bone thrown in by them that have drawn a cloud on the true Re-F ligion, to divert and interrupt them in the proſecution of that matter; and they deſired the Meſſenger might be ſent for, and be examined by what procurement this *Subpœna* was taken forth.

Sir *Humphrey May*, Chancellor of the Dutchy, and one of the Privy Council, aſſured the Houſe, that this neither proceeded from King nor Council, and therefore deſired it might be ſearched into the bottom.

Mr. *Rolls* ſitting in Parliament, was called forth, and ſerved with a *Subpœna*. Debate concerning the ſame.

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The miſtake of the *Subpœna* cleared.

A report from the Committee for Tunnage and Poundage.

And it was afterwards cleared by Maſter Attorney General, by his writing a Letter to Mr. *Rolls*, that the ſerving a *Subpœna* upon him was a miſtake; and prayed, that a favourable interpretation might be given of that matter.

Upon report from the Committee for Tunnage and Poundage, Sir *John Wolſtenholme*, Mr. *Dawes*, and Mr. *Carmarthen* were ordered to appear at the Bar on *Friday* next; and report was made to the Houſe, that Maſter Atturney, notwithſtanding his Letter, did give order for the Proceſs againſt Mr. *Rolls*; and that in the Bill preferred in the Exchequer, it was expreſſed, the Merchants did plot, practiſe, and combine againſt the peace of the Kingdom. This buſineſs being a matter of weight, the further conſideration thereof was appointed for another day, and no Member might go out of the Town without licence.

Thurſday *the* 12 *of* February.

Committee meet again for Tunnage and Poundage.

THe Houſe was turned into a Committee concerning the buſineſs of Tunnage and Poundage, and ſeveral Merchants did Petition, that their Goods were not only ſeized, but Informations preferred in *Star-Chamber* againſt them. The Committee in their Debate inclined, That the Merchants might have their Goods before they enter upon the Bill for Tunnage; and Mr. *Noy* expreſſed himſelf in theſe words.

Mr. *Noy* concerning Tunnage and Poundage.

We cannot ſafely give, unleſs we be in poſſeſſion, and the proceedings in the Exchequer nullified; as alſo the Information in the *Star-Chamber*, and the annexion to the Petition of Right, for it will not be a Gift, but a Confirmation; neither will I give without the removal of theſe interruptions, and a Declaration in the Bill, that the King hath no right, but by our free gift; if it will not be accepted, as it is fit for us to give, we cannot help; if it be the Kings already, we do not give it.

Barons of the Exchequer ſent unto about ſtaying the delivery of Merchants Goods.

The Barons Anſwer.

Hereupon the Houſe ordered, that the Barons of the Exchequer be ſent unto, to make void their Injunction and Order concerning the ſtaying of Merchants Goods; to which the Barons returned this anſwer.

Whereas the Honourable Houſe of Commons, by Order of the 12 of this inſtant *February*, have appointed, that notice ſhall be given to the Lord Treaſurer, Chancellor, and Barons of the Exchequer, of a Declaration made by Sir *John Wolſtenholm*, *Abrah. Dawes*, and *Rich. Carmarthan*, in the Houſe of Commons, that the Goods that the Merchants brought into the Kings Store-houſe, and laid up there for his Majeſties uſe, were detained, as they conceived, only for the Duty of Tunnage and Poundage, and other ſums comprized in the Books of Rates; which notice was given, to the end the ſaid Court of Exchequer might further proceed therein, as to Juſtice ſhall appertain. Now the Lord Treaſurer, Chancellor, and Barons, out of their due reſpect to that Honourable Houſe, and for their ſatisfaction, do ſignifie, that by the Orders and Injunctions of the ſaid Court of Exchequer, they did not determine, nor any way touch upon the Right of Tunnage and Poundage, and ſo they declared openly in Court, at the making of theſe Orders; neither did they, by the ſaid Orders or Injunctions, bar the Owners of thoſe Goods, to ſue for the ſame in a lawful courſe; but whereas the ſaid Owners endeavoured to take the ſame Goods out of the Kings actual poſſeſſion, by Writs or Plaints of *Replevin*, which was no lawful Action or Courſe in the Kings caſe, nor agreeable to his Royal Prerogative; therefore the ſaid Court of Exchequer, being the Court for ordering the Kings Revenue, did

did, by thoſe Orders and Injunctions, ſtay thoſe Suits, and did fully declare by the ſaid Orders, that the Owners, if they conceived themſelves wronged, might take ſuch remedy as the Law alloweth.

Richard Weſton, *Lo. Newburgh*,
John Walter, *John Dinham*,
Tho. Trevor, *George Vernon*.

A The Anſwer of the Lord Treaſurer and Barons, inſtead of ſatisfaction expected by the Houſe, was looked upon as a juſtification of their actions: whereupon a motion was made to go on, to conſider of their proceedings, and whether ever the Court of Exchequer held this courſe before, for ſtaying of Replevins; and whether this hath been done by Prerogative of the King in his Court of Exchequer.

Not ſatisfactory.

B A Report was made from the Committee concerning the Pardons granted by the King ſince the laſt Seſſion, to certain perſons queſtioned in Parliament; and the Reporter informed the Houſe, that they do find, upon examination, that Dr. *Sibthorp* and Mr. *Coſens* did ſollicite the obtaining of their own pardons; and that they ſaid, the Biſhop of *Wincheſter* ſhould get the Kings hand to them. And it did alſo appear to the Committee, that the Biſhop of *Wincheſter* did promiſe the procuring of Mr. *Montagu*'s pardon; that Dr. *Manwaring* ſollicited his own pardon, and that the Biſhop of *Wincheſter* got the Kings hand to it. Mr. *Oliver Cromwell* being of this Committee, informed the Houſe what countenance the Biſhop of *Wincheſter* did give to ſome perſons that preached flat Popery, and mentioned the perſons by name, and how by this Biſhops means, *Manwaring* (who, by cenſure the laſt Parliament, was diſabled for ever holding any Eccleſiaſtical Dignity in the Church, and confeſſed the Juſtice of that Cenſure) is nevertheleſs preferred to a rich Living. If theſe be ſteps to Church-preferment (ſaid he) what may we expect.

A report concerning Pardons to Dr. *Manwaring*, Mr. *Montague*, &c.

Mr. *Cromwell* againſt the Biſhop of *Wincheſter*.

D A Petition from the Printers and Book-ſellers in *London*, was alſo preſented, and complaining of the reſtraint of Books written againſt Popery and *Arminianiſm*, and the contrary allowed of by the only means of Dr. *Laud*, Biſhop of *London*; and that divers of the Printers and Book-ſellers have been ſent for by Purſuivants for printing Books againſt Popery; and that Licenſing is only reſtrained to the Biſhop of *London* and his Chaplains, and inſtanced in certain Books againſt Popery, which E were denied to be Licenſed.

A complaint of the not licenſing of Books againſt Popery.

Upon which occaſion Mr. *Selden* declared, That it is true, there is no Law to prevent the printing of any Books in *England*, only a Decree in *Star-Chamber*; and he adviſed that a Law might be made concerning Printing: otherwiſe, he ſaid, a man might be Fined, Impriſoned, and his Goods taken from him, by virtue of the ſaid Decree; which is a great invaſion upon the Liberty of the Subject.

Mr. *Selden* concerning Printing.

The Houſe of Commons being informed, that an Information was F preferred in the *Star-Chamber* againſt *Richard Chambers*, and others, concerning ſome matters that fell out about their refuſal to pay Tunnage and Poundage ſince the laſt Seſſion of Parliament, becauſe the ſame was not granted by Act of Parliament, they referred the ſame to a Committee to examine the truth of their proceedings, and that whether they ought not to have priviledge of Parliament, in regard they had

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then a Petition depending in Parliament, to protect them againſt the ſaid proceedings; and Sir *William Aſton*, Sheriff of *London*, being examined before the Committee concerning ſome matters about the Cuſtomers, and not giving that clear anſwer which he ought, and as the Houſe conceived he might have done, was therefore committed to the Tower of *London*. And a Queſtion was made in the Houſe at that time, whether the Houſe had at any time before committed a Sheriff of *London* to priſon. To which Mr. *Selden* made anſwer, That he could not call to mind a preſident of ſending one Sheriff of *London* to priſon; but he well remembred a preſident of ſending both the Sheriffs of *London* to the Tower, and inſtanced the Caſe. A

Debates about increaſe of Popery.

Friday, February 13. the Parliament fell into conſideration of the great increaſe of Popery; and it was moved to examine the releaſing of the Jeſuites that were arraigned at *Newgate*, whereof only one was condemned, though they were ten in number, and they all Prieſts, and had a Colledge here in *London* about *Clerkenwell*: Theſe men (ſaid ſome) could not attempt theſe acts of boldneſs, but they have great countenancers. B

Secretary *Cook* concerning the Prieſts arraigned at *Newgate*.

Hereupon Secretary *Cook* declared, That a Miniſter of State having notice of theſe ten perſons, and this Colledge intended to be kept at *Clarkenwell*, acquainted his Majeſty with it; and I ſhould not diſcharge my duty, if I ſhould not declare how much his Majeſty referred it to the eſpecial care of the Lords of the Council, who examining the ſame, ſent thoſe ten perſons to *Newgate*, and gave order to Mr. Attorney to proſecute the Law againſt them. He further added, That this Colledge was firſt at *Edmonton*, removed from thence to *Camberwel*, and thence to *Clerkenwell*. C

Hereupon it was ordered, That all the Knights and Burgeſſes of the Houſe, ſhall to morrow morning, declare, what knowledge they have of Letters, and other means, that have been uſed for the ſtaying of proceedings againſt Recuſants; and Meſſengers were ſent to Mr. Attorney, to examine him touching that matter. D

Mr. *Long*, a Juſtice of Peace, examined.

Mr. *Long*, a Juſtice of Peace, who was ſaid to underſtand much in the ſame buſineſs, was likewiſe ſent for and examined, and ſaid, That by the appointment of Mr. Secretary *Cook*, he apprehended theſe perſons, and took their Examinations; and ſaid further, That he heard they were delivered out of *Newgate* by order from Mr. Attorney: That Mr. *Middlemore*, a general Solicitor for the Papiſts, hired this houſe, and that there are divers Books of Accompt, of Receipts and Disburſements, to the value of 300 *l. per an.* with divers Recuſants names, who allowed towards the maintenance of this Colledge; and theſe Books and Papers are in the hands of Mr. Secretary *Cook*. E

It was further reported from the Committee, that the Prieſt taken at *Clerkenwell*, which was condemned, ſhould be Reprieved by a Warrant from the King, ſignified by a Privy Counſellor; and another Warrant was produced by the Keeper of *Newgate*, under the hand of the Kings Attorney General to releaſe the other nine Prieſts. To which Mr. Secretary *Cook* replied, The King being merciful in caſe of bloud, gave direction for the Reprieving the condemned Prieſt. But the Houſe not willing to let this paſs, appointed certain of their Members to go to the Lord Chief Juſtice, and the reſt of the Judges, who were there preſent at the Trial, to know why the Papers and Evidences which Mr. *Long* had to produce, were not made uſe of. F

The

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Sir *Robert Heath* his answer concerning the prosecution of the Priests.

The Committee appointed to examine the Attorney-General reported this Answer.

I did receive (said the Attorney) *order touching some persons taken in* Clerkenwell, *conceived to be Priests, from the Council-board; and for that refer my self to the Order.*

And I conceive I did follow the directions of that Order.

A *I did my self cause them to be sent for from the several Prisons where they were formerly committed, and I committed them all to* Newgate, *as the Order from the Council-board directed; and I gave directions for Indictments to be drawn against them, as for being Priests; and I sent for, and conferred with the Witnesses, and took their Informations; and I sent for* Mr. Long, *who was formerly acquainted with that business, as I was advised to do by Mr. Secretary* Cook, *and desired him to take special care thereof at the Sessions. And I did not conceive, that by the Order I was directed to go thither my self;*

B *but if I had been so directed, and had so conceived it, I should not have declined the service. I know not, nor never heard of any Lands conveyed to the use of these persons, or of any Foundation there; but there was some mention made thereof in some of the Papers delivered to me by Mr. Secretary, but so generally, as I know not how to enquire thereof; but I did take care to entitle the King to the Goods, as the especial direction to me was by the Order of the Board; and the Indictment failed to be found against all but one: And I have Warrant to the Treasurers Remembrancer of the Exchequer,*

C *for a special Commission to that purpose; and I advised with Mr.* Long *who were fit Commissioners for that purpose; and after with Mr.* Scrivener: *and a Commission was granted to Gentlemen of very good quality, and an inquisition is found and returned accordingly, whereby the King is entituled to the Goods.*

I had warrant from his Majesty to bail them: but for the manner of that, I must crave leave to acquaint the King therewith, before I answer any further.

I understood that an Indictment was preferred against three of them, for

D *Treason, and I did direct Mr.* Long, *that if the Indictments should not be found for Treason, yet to tender them and all the rest the Oath of Allegiance, to bring them within the Kings mercy, upon a Premunire, if they should refuse the Oath: and I understood the Oath was ministred to them accordingly at that Sessions; and I understood after, that the Indictment was found against one of them only to be a Priest, and that the other were quit. Therefore receiving an express commandment from the King for the bailing of them, I did conceive they were bailable, which otherwise of my self I would not have done: The Bonds*

E *I took, and keep them my self; for the surety, I refer my self to the Bond, and understand that some of them were House-keepers in the Town.*

I gave directions for Indictments to be drawn against them; but I gave no special directions, whether it should be drawn against Jesuites or Priests, but left that to the care of Mr. Long; *and did not then conceive there was any difference in the substance of the Indictment for Treason between Priests and Jesuites.*

I can give no special reason, why I rather bound them to appear at the Coun-

F *cil-Table, than at the Sessions, but only this, because I received my first directions from the Council-board.*

When the Sessions was past, I did enquire of Mr. Long, *what was the success of these Indictments; who informed me, That one only was found guilty of being a Priest; and thereupon I gave order for the Commission before mentioned to enquire of their goods.*

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And being again ſent unto for a clearer Anſwer, he ſaid, *For the Warrant which I received for the diſcharge of the Priſoners, and the Bond taken by me upon their deliverance, which has a dependance upon that Warrant, and whereof ye require an account, I have attended his Majeſty, but yet have no leave to ſhew them; and the Bonds being taken but in* December *laſt, I keep them with me, as I conceive was proper for my place; but ſhall be ready to deliver them when I ſhall receive a commandment to that purpoſe.*

A Faſt. Mr. *Dawes* anſwer to the Commons.

Wedneſday the Eighteenth of *February*, the Faſt was kept, and the Nineteenth of *February*, Mr. *Dawes*, one of the Cuſtomers, being called in to anſwer the point of Priviledge in taking Mr. *Rolls* Goods, a Member of this Houſe, ſaid, *That he took Mr.* Rolls *Goods by virtue of a Commiſſion under the Great Seal, and other Warrants. That he knew Mr.* Rolls *demanded his Priviledge, but he did underſtand his Priviledge did only extend to his perſon, not to his goods.* And he further ſaid, *He took thoſe Goods for ſuch Duties as were due in the time of King* James; *and that the King had ſent for him on* Sunday *laſt, and commanded him to mak no other anſwer.*

Mr. *Carmarthen*'s anſwer.

Mr. *Carmarthen*, another of the Cuſtomers, being called in, ſaid, *That he knew Mr.* Rolls *to be a Parliament-man, and told him,* He did not find any Parliament-man exempted in their Commiſſion. *And as for the words charged on him, that he ſhould ſay,* If all the Body of the Houſe were in him, he would not deliver the goods; *he anſwered, If he ſaid he would not, it was becauſe he could not.*

Mr. *Selden.*

Mr. *Selden* hereupon ſaid, *If there be any near the King that doth miſpreſent our actions, let the curſe light on them, not on us; and believe it, it is high time to vindicate our ſelves in this caſe, elſe it is in vain for us to ſit here.*

The Houſe in a Committee about the Cuſtomers anſwer.

It was hereupon reſolved by queſtion, That this ſhall be preſently taken into conſideration; and being conceived to be a buſineſs of great conſequence, it was ordered, that the Houſe be diſſolved into a Committee, for the more freedom of debate; and that no Member go out of the Houſe without leave, during the ſitting of the Committee.

Mr. *Noy.*

Mr. *Noy* was of opinion, That the Cuſtomers had neither Commiſſion nor command to ſeize; therefore, without doubt, the Houſe may proceed ſafely to the Queſtion; that the Priviledge is broken by the Cuſtomers, without relation to any Commiſſion or Command from the King; which motion was ſeconded by Mr. *Nathaniel Rich.*

Meſſage by Secretary *Cook* from the King about the Cuſtomers.

Monday the 22 of *February*, the ſame buſineſs continued under debate, and ſome were for a bare reſtitution of the Goods taken, others for impleading thoſe who took them as Delinquents. In the mean time, Mr. Secretary brought this Meſſage from the King, That it concerns his Majeſty, in a high degree of Juſtice and Honour, that truth be not concealed; which is, that what the Cuſtomers did, was by his own direct Order and Command, at the Council-board, himſelf being preſent: And though his Majeſty takes it well, that the Houſe have ſevered his intereſt from the intereſt of the Cuſtomers, yet this will not clear his Majeſties Honour, if the ſaid Cuſtomers ſhould ſuffer for his ſake. This Meſſage was grounded upon this enſuing Order, made the day preceding, by the King, in full Council.

At *Whitehall* the 22 *of February*, 1628.

Order by the King and Council concerning the Cuſtomers.

THis day his Majeſty, in full Council, taking knowledge of the debate in the Houſe of Commons the day before, concerning the Officers

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cers of his Cuſtoms, and of the reſpect uſed by the Committee to ſever the private intereſt of the ſaid Officers from that of his Majeſty; holding it to concern him highly in Juſtice and Honour, to let the truth in ſuch a point touching his Servants, to be either concealed or miſtaken, did there declare, *That what was formerly done by his Farmers and Officers of the Cuſtoms, was done by his own direction and commandment, and by direction and commandment of his Privy-Council; himſelf for the moſt part being preſent in Council: and if he had been at any time from the Council-board, yet he was acquainted with their doings, and gave full direction in it; and therefore could not in this ſever the act of his Officers from his own act, neither could his Officers ſuffer for it without high diſhonour to his Majeſty.* This being particularly voted by the whole Council, was the general aſſent of them all; and accordingly Mr. Secretary *Cook* had order to deliver a Meſſage the next day from his Majeſty to the Houſe of Commons.

The Kings Commiſſion to the Lord Treaſurer and Barons of the Exchequer, and to the Cuſtomers of the Ports, as to this effect.

C. R.

The Kings Commiſſion to the Cuſtomers, &c.

'WHereas the Lords of the Council, taking into conſideration our 'Revenue, and finding that Tunnage and Poundage is a princi-'pal Revenue of our Crown, and has been continued for theſe many 'years; have therefore ordered all thoſe duties of Subſidy, Cuſtom and 'Impoſt, as they were in the 21 of King *James*, and as they ſhall be ap-'pointed by us under our Seal, to be levied: Know ye, that we, by the 'advice of our Lords, declare our will, that all thoſe Duties be levied 'and collected as they were in the time of our Father, and in ſuch man-'ner as we ſhall appoint; and if any perſon refuſe to pay, then our will 'is, That the Lord Treaſurer ſhall commit to priſon ſuch ſo refuſing, 'till they conform themſelves: And we give full power to all our Offi-'cers from time to time, to give aſſiſtance to the Farmers of the ſame as 'fully, as when they were collected by Authority of Parliament.

Reſolve concerning Mr. *Rolls*.

Soon after report was made from the Grand Committee, that they took into their conſideration the violation of the Liberty of the Houſe by the Cuſtomers; and at laſt they reſolved, that Mr. *Rolls*, a Member of the Houſe, ought to have priviledge of Perſon and Goods; but the command of the King is ſo great, that they leave it to the Houſe. After the paſſing of this Vote, the Kings late Meſſage by Secretary *Cook* was taken into conſideration.

Debates.

Some took occaſion to ſay, That theſe interruptions proceeded from ſome Prelates, and others Abettors of the Popiſh Party, who fear to be diſcovered, and would provoke to a breach: To which Sir *Humphrey May* replied, *We have Oyl and Vinegar before us; if you go to puniſh the Cuſtomers as Delinquents, there is Vinegar in the wound: Think rather of ſome courſe to have reſtitution.* Others ſaid, *Delinquency cannot be named, but preſently a breach muſt be intimated. When we do that which is juſt, let there be no fear nor memory of breaches, and let us let go the Delinquency of the men.*

Sir *John Elliots* Speech againſt particular perſons.

Hereupon Sir *John Elliot* made a Speech, and therein named Dr. *Neal* the Biſhop of *Winchester*, and the great Lord Treaſurer, *In whoſe perſon* (ſaid he) *all evil is contracted; I find him acting and building on thoſe grounds, laid by his Maſter the great Duke; and his ſpirit is moving to theſe*

An. 1628.

* Lord *weſton* afterwards died a Papiſt.

*theſe interruptions, and they for fear break Parliaments, leſt Parliaments ſhould break them: I find him the Head of all the great Party; the * Papiſts, all Jeſuites and Prieſts derive from him their ſhelter and protection,* &c. A little interruption being here given, he proceeded further in his Speech: And afterwards the Speaker was moved to put the Queſtion then propoſed by the Houſe; but he refuſed to do it, and ſaid, *That he was otherwiſe commanded from the King.*

The Speaker refuſes to put the Queſtion.

Mr. *Seldens* Speech thereupon.

Then, ſaid Mr. *Selden, Dare not you,* Mr. Speaker, *put the Queſtion when we command you? If you will not put it, we muſt ſit ſtill; thus we ſhall never be able to do any thing. They that come after you may ſay, They have the Kings command not to do it. We ſit here by the command of the King under the Great Seal, and you are, by his Majeſty, ſitting in this Royal Chair, before both Houſes, appointed for our Speaker; and now you refuſe to perform your Office.* A

Hereupon the Houſe, in ſome heat, adjourned till *Wedneſday* next.

On *Wedneſday* the 25 of *February*, both Houſes, by his Majeſties command, were adjourned until *Monday* morning the 2 of *March.* B

The Speaker again refuſeth to put the Queſtion.

Monday the 2*d.* of *March*, the Commons meet, and urge the Speaker to put the Queſtion; who ſaid, *I have a command from the King to adjourn till* March *the* 10*th. and put no Queſtion.* And endeavouring to go out of the Chair, was notwithſtanding held by ſome Members (the Houſe foreſeeing a diſſolution) till this enſuing Proteſtation was publiſhed in the Houſe; *viz.*

Proteſtation in Parliament propounded, whilſt the Speaker was held in his Chair.

1. *Whoſoever ſhall bring in Innovation of Religion, or by favour or countenance ſeem to extend or introduce* Popery *or* Arminianiſm, *or other Opinion diſagreeing from the truth and Orthodox Church, ſhall be reputed a capital Enemy to this Kingdom and Commonwealth.* C

2. *Whoſoever ſhall counſel or adviſe the taking and levying of the Subſidies of Tunnage and Poundage, not being granted by Parliament, or ſhall be an Actor or Inſtrument therein, ſhall be likewiſe reputed an Innovator in the Government, and a capital Enemy to the Kingdom and Commonwealth.*

3. *If any Merchant or perſon whatſoever, ſhall voluntarily yield, or pay the ſaid Subſidies of Tunnage and Poundage, not being granted by Parliament, he ſhall likewiſe be reputed a Betrayer of the Liberties of* England, *and an Enemy to the ſame.* D

The King ſends the Uſher of the Lords Houſe.

Hereupon the King ſent for the Sergeant of the Houſe; but he was detained, the door being lock'd: Then he ſent the Gentleman-Uſher of the Lords Houſe, with a Meſſage; and he was refuſed admittance, till the ſaid Votes were read. And then in much confuſion the Houſe was adjourned to the 10*th* of *March*, according as it was intimated from his Majeſty. Nevertheleſs his Majeſty, by Proclamation, dated the 2*d.* of *March*, declares the Parliament to be diſſolved. E

The paſſages of this day, and the preceding day, in Parliament, are hereafter more fully related in the proceedings of the Kings Bench.

By the King.

A Proclamation about diſſolving of the Parliament. F

WHereas We, for the general good of our Kingdom, cauſed our High Court of Parliament to aſſemble and meet by Prorogation

5 *Caroli.*

on the 20 day of January last past; sithence which time the same hath been continued. And although in this time, by the malevolent dispositions of some ill-affected persons of the House of Commons, we have had sundry just causes of offence and dislike of their proceedings; yet we resolved with patience to try the uttermost, which we the rather did, for that we found in that House a great number of sober and grave persons, well affected to Religion and Government, and desirous to preserve Unity and Peace in all parts of our Kingdom. And therefore, having on the Five and twentieth day of February last, by the uniform advice of our Privy-Council, caused both Houses to be adjourned until this present day, hoping in the mean time, that a better and more right understanding might be begotten between us and the Members of that House, whereby this Parliament might have a happy end and issue.

And for the same intent, we did again this day command the like Adjournment to be made, until the Tenth day of this Moneth: It hath so happened, by the disobedient and seditious carriage of those said ill-affected Persons of the House of Commons, that we and our Regal Authority and Commandment have been so highly contemned, as our Kingly Office cannot bear, nor any former Age can parallel. And therefore it is our full and absolute resolution to dissolve the said Parliament, whereof we thought good to give notice unto all the Lords Spiritual and Temporal, and to the Knights, Citizens and Burgesses of this present Parliament, and to all others whom it may concern, that they may depart about their needful affairs, without attending any longer here. Nevertheless we will, that they, and all others shall take notice, that we do, and ever will distinguish between those, who have shewed good affection to Religion and Government, and those that have given themselves over to faction, and to work disturbance to the peace and good order of our Kingdom.

Given at our Court at *Whitehall*, this second day of *March*, in the fifth year of our Reign of Great *Britain*, *France*, and *Ireland*.

This Proclamation was not published till after the Tenth of *March*.

Warrants to apprehend several Members of Parliament.

The day following, Warrants were directed from the Council to *Denzil Holles* Esq; Sir *Miles Hobert*, Sir *John Elliot*, Sir *Peter Hayman*, *John Selden* Esq; *William Coriton*, *Walter Long*, *William Stroud*, *Benjamin Valentine*, commanding their personal appearance on the morrow. At which time, Mr. *Holles*, Sir *John Elliot*, Mr. *Coriton*, Mr. *Valentine*, appearing, and refusing to answer out of Parliament, what was said and done in Parliament, were committed close Prisoners to the *Tower*; and Warrants were given, the Parliament being still in being, for the sealing up of the Studies of Mr. *Holles*, Mr. *Selden*, and Sir *John Elliot*; Mr. *Long*, and Mr. *Stroud* not then, nor of some time after appearing, a Proclamation issued forth for the apprehending of them.

On the Tenth of *March*, being six days after the Commitment of the said Members, his Majesty being set in his Royal Throne, with his Crown on his Head, in his Robes, and the Lords in their Robes

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also; and divers of the Commons below the Bar, but not the Speaker, neither were they called: his Majesty spake as followeth.

The Kings Speech at the dissolution of the Parliament.

My Lords,

I Never came here upon so unpleasant an occasion, it being the dissolution of a Parliament; therefore men may have some cause to wonder, why I should not rather choose to do this by Commission, it being rather a general Maxim of Kings, to leave harsh Commands to their Ministers, themselves only executing pleasing things: yet considering that Justice as well consists in reward, and praise of Virtue, as punishing of Vice, I thought it necessary to come here to day, and declare to you and all the world, that it was meerly the undutiful and seditious carriage in the Lower House, that hath made the dissolution of this Parliament; and you, My Lords, *are so far from being any causers of it, that I take as much comfort in your dutiful demeanour, as I am justly distasted with their proceedings; yet to avoid their mistakings, let me tell you, that it is so far from me to adjudge all the House alike guilty, that I know that there are many there as dutiful Subjects as any in the world, it being but some few Vipers among them that did cast this mist of undutifulness over most of their eyes: Yet to say truth, there was a good number there, that could not be infected with this contagion; insomuch that some did express their duties in speaking, which was the general fault of the House the last day. To conclude, as those Vipers must look for their reward of punishment, so you,* My Lords, *must justly expect from me that favour and protection, that a good King oweth to his loving and faithful Nobility.*

And now, My Lord Keeper, do what I have commanded you.

Then the Lord Keeper said, *My Lords, and Gentlemen of the House of Commons, the Kings Majesty doth dissolve this Parliament.*

Whilst the King is preparing a Declaration of the Causes and Motives which induced him to dissolve this Parliament, let us see what followed hereupon.

Libels cast abroad.

The discontents of the common people upon this dissolution were heightned against the powerful men at Court, and the Kings most inward Counsellers: for some few days after, two Libels were found in the Dean of *Pauls* yard, one against Bishop *Laud*, to this effect; *Laud, look to thy self, be assured thy life is sought; as thou art the fountain of wickedness, repent of thy monstrous sins before thou be taken out of the world; and assure thy self, neither God nor the World can endure such a vile Counsellor or whisperer to live.* The other was as bad against the L. Treasurer *Weston.*

Members examined before the Lords of the Council.

The King purposing to proceed against the Members of the House of Commons, who were committed to prison by him in the *Star-Chamber*, caused certain Questions to be proposed to the Judgment upon the 25 of *April.*

5 *Caroli.* *An.* 1629. Questions propounded to the Judges concerning the imprisoned Members.

WHereupon all the Judges met at *Sergeants-Inn*, by command from his Majesty, where Mr. *Attorney* proposed certain Questions concerning the offences of some of the Parliament-men committed to the Tower, and other Prisons: At which time, one Question was proposed and resolved, *viz. That the Statute of* 4 H. 8. *intituled,* An Act concerning *Richard Strode, was a particular Act of a Parliament, and extended only to* Richard Strode, *and to those persons that had joined with him to prefer a Bill to the House of Commons concerning Tynners; And although the Act be private, and extendeth to them alone, yet it was no more than all other Parliament-men, by priviledge of House, ought to have,* viz. *Freedom of Speech concerning*

5 Caroli.

concerning thoſe matters debated in Parliament by a Parliamentary courſe.

The reſt of the Queſtions Mr. Attorney was wiſhed to ſet down in writing againſt another day.

Upon *Monday* following all the Judges met again, and then Mr. Attorney propoſed theſe Queſtions.

1. *Whether if any Subject hath received probable information of any Treaſon or treacherous attempt or intention againſt the King or State, that Subject ought*
A *not to make known to the King, or his Majeſties Commiſſioners, when thereunto he ſhall be required, what information he hath received, and the grounds thereof; to the end, the King being truly informed, may prevent the danger? And if the ſaid Subject in ſuch caſe ſhall refuſe to be examined, or to anſwer the Queſtions which ſhall be demanded of him for further inquiry and diſcovery of the truth, whether it be not a high contempt in him, puniſhable in the Star-chamber, as an offence againſt the general Juſtice and Government of the Kingdom?*

Sol. The Reſolution and Anſwer of all the Juſtices, That it is an offence
B puniſhable as aforeſaid, ſo that this do not concern himſelf, but another, nor draw him to danger of Treaſon or Contempt by his Anſwer.

2. *Whether it be a good anſwer or excuſe, being thus interrogated, and refuſing to anſwer, to ſay,* That he was a Parliament-man when he received this Information, and that he ſpake thereof in the Parliament-houſe; and therefore the Parliament being now ended, he refuſed to anſwer to any ſuch Queſtions but in the Parliament-houſe, and not in any other place?

Sol. To this the Judges, by advice privately to Mr. Attorney, gave this
C Anſwer, " That this excuſe being in nature of a Plea, and an errour in " judgment, was not puniſhable, until he were over-ruled in an order- " ly manner to make another Anſwer; and whether the Party were " brought in *Ore tenus*, or by Information, for this Plea he was not to be " puniſhed.

3. *Whether a Parliament-man committing an offence againſt the King or Council not in a Parliament way, might, after the Parliament ended, be puniſh'd or not?*

Sol. All the Judges, *una voce*, anſwered, He might, if he be not pu-
D niſhed for it in Parliament; for the Parliament ſhall not give priviledge to any *contra morem Parliamentarium*, to exceed the bounds and limits of his place and duty. And all agreed, That regularly he cannot be compelled out of Parliament to anſwer things done in Parliament in a Parliamentary courſe; but it is otherwiſe where things are done exorbitantly, for thoſe are not the acts of a Court.

4. *Whether if one Parliament-man alone ſhall reſolve, or two or three ſhall covertly conſpire to raiſe falſe ſlanders and rumours againſt the Lords of the*
E *Council and Judges, not with intent to queſtion them in a Legal courſe, or in a Parliamentary way, but to blaſt them, and to bring them to hatred of the people, and the Government in contempt, be puniſhable in the Star-chamber after the Parliament is ended?*

Sol. The Judges reſolve, That the ſame was puniſhable out of Parliament, as an offence exorbitant committed in Parliament, beyond the Office, and beſides the duty of a Parliament-man.

There was another Queſtion put by Mr. Attorney, *viz.*

F *Whether if a man in Parliament, by way of digreſſion, and not upon any occaſion ariſing concerning the ſame in Parliament, ſhall ſay, The Lords of the Council and the Judges had agreed to trample upon the Liberty of the Subject, and the Priviledges of Parliament, he were puniſhable or not?*

The Judges deſired to be ſpared to make any anſwer thereunto, becauſe it concerned themſelves in particular.

An. 1629.

The next day, Mr. Attorney put the Judges another Caſe.

It is demanded of a Parliament-man, being called *Ore tenus* before the Court of *Star-chamber*, being charged, that he did not ſubmit himſelf to examination for ſuch things as did concern the King and the Government of the State, and were affirmed to be done by a third perſon, and not by himſelf, if he confeſſes his hand to that refuſal, and make his excuſe, and plead becauſe he had priviledge of Parliament;

Whether the Court will not over-rule this Plea as erroneous, and that he ought to make a further Anſwer. A

Anſwer.

It is the juſteſt way for the King and the Party not to proceed *Ore tenus*, becauſe it being a point in Law, it is fit to hear Counſel before it be over-ruled; and upon an *Ore tenus*, by the Rules of *Star-chamber*, Counſel ought not to be admitted; and that it would not be for the Honour of the King, nor the ſafety of the Subject, to proceed in that manner.

Mr. *Stroud* and Mr. *Long* brought upon a *Habeas Corpus*.

Paſch. 5 *Car.* upon a *Habeas Corpus* of this Court to bring the body of *William Stroud* Eſq; with the cauſe of his impriſonment, to the Marſhal of the *Kings Bench*; it was returned in this manner, *That Mr.* William Stroud *was committed under my cuſtody by virtue of a certain Warrant under the hands of twelve of the Lords of the Privy-Council of the King.* The tenour of which Warrant followeth in theſe words: B

YOu *are to take knowledge, That it is his Majeſties pleaſure and commandment, that you take into your cuſtody the body of* William Stroud *Eſq; and keep him cloſe priſoner till you ſhall receive other order, either from his Majeſty, or this Board; for ſo doing, this ſhall be your Warrant.* Dated this 2*d.* of *April*, 1629. And the direction of the Warrant was, *To the Marſhal of the* Kings Bench, *or his Deputy.* C

He is alſo detained in priſon by vertue of a Warrant under his Majeſties hand; the tenor of which Warrant followeth in theſe words.

C. R.

WHereas *you have in your cuſtody the body of* William Stroud *Eſq; by Warrant of our Lords of our Privy-Council, by our ſpecial command, you are to take notice, that this Commitment was for notable Contempts by him committed againſt our Self and our Government, and for ſtirring up Sedition againſt us; for which you are to detain him in your cuſtody, and to keep him cloſe priſoner, until our pleaſure be further known concerning his deliverance.* D

Given at *Greenwich* the 7 of *May*, 1629. in the 5. year of our Reign.

The Direction being, *To the Marſhal of our Bench* for the time being, *& hæ ſunt cauſæ captionis & detentionis prædicti* Guilielmi Stroud.

And upon another *Habeas Corpus* to the Marſhal of the Houſhold, to have the body of *Walter Long* Eſq; in Court, it was returned according as the Return of Mr. *Stroud* was. E

Mr. *Ask* of the *Inner-Temple*, of Counſel for Mr. *Stroud*; and Mr. *Maſon* of *Lincolns-Inn*, of Counſel for Mr. *Long*, argued againſt the inſufficiency of the Return; which, with the Arguments of the Kings Counſel, we here forbear to mention, leſt it be too great a diverſion to the Reader from the Hiſtorical part; yet thoſe and other Arguments we have nevertheleſs poſtponed at the end of this firſt Volume, for the benefit of the Students of the Law: which courſe, as to Arguments in Law, wherein the Prerogative of the one hand, and Liberty and Property of the other hand, are concerned, we purpoſe to obſerve in our next and other Volumes, as matter of that nature falls out in ſeries of Time. F

The

The ſeventh of *May*, an Information was exhibited in the *Star-chamber*; which, becauſe it is a remarkable proceeding, we give you here at large.

5. *Caroli.*

An Information in *Star-chamber* againſt the Members.

Jovis Septimo die Maii, Anno Quinto Ca. R.

To the King's moſt Excellent Majeſty.

Ro. Heath. Hu. Davenport. Ro. Bartley. Heneage Finch. William Hudſon.

HUmbly ſheweth and informeth unto your moſt excellent Majeſty, Sir *Robert Heath* Knight, your Majeſties Attorney-General, for and on your Majeſties behalf, That whereas by the ancient and Fundamental Laws of this Kingdom, the High Court of Parliament conſiſteth of the Lords Spiritual and Temporal in the Lords Houſe, and of the Knights, Citizens and Burgeſſes in the Commons Houſe of Parliament, and thoſe two Houſes thus compoſed, do together make up that great and honourable Body, whereof your moſt Excellent Majeſty, as the Supreme Sovereign, is the Head: and whereas the Power of Summoning and Aſſembling of Parliaments, and of Continuing, Proroguing, Adjourning, and Diſſolving thereof within this Realm at your good pleaſure, is the undoubted Right of your Majeſty; and the Liberty and Freedom of Speech, which the Members of the ſaid Houſes of Parliament have, according to the Priviledges of thoſe ſeveral Houſes, to debate, conſult, and determine of thoſe things which are propounded amongſt them, is, and ever hath been, and ought to be, limited and regulated within the bounds of Moderation and Modeſty, and of that Duty which Subjects owe to their Sovereign: and whereas your Majeſty, for many weighty cauſes, and for the general good and defence of the Church and State of this your Kingdom, lately ſummoned a Parliament to be holden at your City of *Weſtminſter*, the ſeventeenth day of *March*, in the third year of your Majeſties Reign, which continued from thence by Prorogation until the twentieth day of *January* laſt; from which day, until the twenty fifth day of *February* following, the ſaid Houſes continued ſitting. And although the great part of the Houſe of Commons, being zealous of the Common Good, did endeavour to have effected thoſe good things for which they were called thither; yet between the ſaid twentieth day of *January*, and the ſaid twenty fifth day of *February*, by the mallevolent diſpoſition of ſome ill-affected Members of the ſaid Houſe, ſundry Diverſions and Interruptions were there made, and many Jealouſies there unjuſtly raiſed and nouriſhed, to the diſturbance of thoſe orderly and Parliamental proceedings, which ought to have been in ſo grave a Council. During which time of the ſaid laſt Meeting in Parliament, as aforeſaid, ſo it is, may it pleaſe your moſt Excellent Majeſty, that Sir *John Elliot* Knight, then and all the time of the ſaid Parliament, being one of the Members of the ſaid Commons houſe, wickedly and maliciouſly intending, under a feigned colour and pretence of debating the neceſſary affairs of the preſent eſtate, to lay a ſcandal and unjuſt aſperſion upon the right Honourable the Lords, and others of your Majeſties moſt Honourable Privy-Council, and upon the Reverend Judges, and your Counſel learned, and as much as in him lay to bring them into the hatred and ill opinion of the people; after the ſaid twentieth day of *January*, and before the ſaid twenty fifth day of *February* laſt, did openly and publickly

An Information in the *Star-chamber* againſt Sir *John Elliot*, &c.

An. 1629. lickly in the ſaid Houſe of Commons, falſly and maliciouſly ſaid, That your Majeſties Privy-Council, all your Judges, and your Counſel learned, had conſpired together to trample under their feet the Liberties of the ſaid Subjects of this Realm, and the priviledges of that Houſe. And further, ſo it is, may it pleaſe your moſt Excellent Majeſty, that when your Majeſty, upon the twenty fifth day of *February*, had, by Sir *John Finch*, Knight, then Speaker of the ſaid Houſe of Commons, ſignified your Royal pleaſure to the ſaid Houſe, that the ſaid Houſe of Commons ſhould be inſtantly adjourned until the ſecond day of *March* then following, he the ſaid Sir *John Elliot*, and *Denzil Holles* Eſq; *Benjamin Valentine* Gent. *Walter Long* Eſq; *William Coriton* Eſq; *William Strode* Eſq; *John Selden* Eſq; Sir *Miles Hobert*, and Sir *Peter Hayman*, Knights, all Members at that time of the ſaid Commons Houſe, conceiving with themſelves, that your Majeſty, being juſtly provoked thereto, would ſpeedily diſſolve that Parliament; they the ſaid Sir *John Elliot*, *Denzil Holles*, *Benjamin Valentine*, *Walter Long*, *William Corriton*, *William Strode*, *John Selden*, Sir *Miles Hobert*, and Sir *Peter Hayman*, and every of them, by unlawful confederacy and combination between them in that behalf before had, did maliciouſly reſolve, agree, and conſpire, how and by what means, before that Parliament ſhould be diſſolved, they might raiſe ſuch falſe and ſcandalous rumours againſt your Majeſties Government, and your Counſellors of Eſtate attending your perſon, that thereby as much as in them lieth, they might diſturb the happy Government of this Kingdom, by and under your Majeſty; interrupt the courſe of Traffick and Trade; diſcourage your Merchants, and raiſe Jealouſies and Suſpicions in the hearts of your people, that the ſincerity of the true Religion profeſſed and eſtabliſhed in this Kingdom, was neglected: and in purſuance of this their reſolution and confidence aforeſaid, the ſaid Sir *John Elliot*, with the privity and conſent of the ſaid *Denzil Holles*, and all other the ſaid Confederates, did prepare a Paper or Writing, wherein he had written, or cauſed to be written, divers falſe and ſcandalous Aſſertions touching your Majeſties Government, and touching the perſons of divers of your Privy-Council, which he and they reſolved, and conſpired, and agreed, ſhould be delivered into the ſaid Houſe of Commons, and there publickly read, to the wicked and ſeditious intents and purpoſes aforeſaid, and not with any purpoſe or opinion that thoſe things that were therein contained, if they, or any of them had been true, as indeed they were not, ſhould or could be at that time entertained, or purſued in any Legal or Parliamentary way, but meerly and only to expreſs and vent his and their own malice and diſaffection of your Majeſty and your happy Government: And your Majeſty, upon the ſaid ſecond day of *March* now laſt paſt, having ſignified your Royal pleaſure unto the ſaid Sir *John Finch*, then the Speaker of that Houſe, That the ſaid Houſe ſhould then be preſently adjourned until the tenth day of the ſaid moneth of *March*, without any further ſpeech or proceedings at that time; and the ſaid Speaker then delivered your Majeſties pleaſure and commandment to the ſaid Houſe accordingly, and declared unto them your Majeſties expreſs charge and command unto him, That if any ſhould notwithſtanding diſobey your Majeſties command, that he muſt forthwith leave the charge, and wait upon your Majeſty: unto which commandment of your Majeſty, and ſignification of your

A B C D E F

5 *Caroli.*

Your Royal pleaſure in that behalf, for a preſent Adjournment of the Houſe, the greateſt number of the Members of that Houſe, in their Duty and Allegiance unto your Majeſty, were willing to have given a ready obedience, as the Lords Spiritual and Temporal of the Lords Houſe, upon the very ſame, upon the like ſignification made unto them of your Majeſties pleaſure, by your Lord Keeper of your Great Seal of *England*, the Speaker of that Houſe had done: yet ſo it is, A may it pleaſe your moſt Excellent Majeſty, that the ſaid Sir *John Elliot*, for the ſatisfying of his own malice and diſloyal affections to your Majeſty, and by the confederacy and agreement aforeſaid, and in a high contempt and diſobedience unto your Majeſties command, aforeſaid, and with ſet purpoſe to oppoſe your Majeſties ſaid command, did ſtand up, and ſeveral times offered to ſpeak. Whereupon the ſaid Speaker, in obedience to your Majeſties ſaid command, endeavouring to have gone out of the Chair, the ſaid *Denzil Holles* and *Benjamin* B *Valentine*, being then next the Speakers Chair, and the one of them on the one hand, and the other of them on the other hand of the Speaker (where they ſo placed themſelves of purpoſe on that day) out of their diſobedience to your Majeſty, and by the confederacy and agreement aforeſaid, violently, forcibly, and unlawfully, and with purpoſe to raiſe a tumult in the ſaid Houſe, kept and held the ſaid Speaker in the ſaid Chair, againſt his Will; and the ſaid Speaker again endeavouring to leave the Chair, and having then gotten out of the C Chair, they, the ſaid *Denzil Holles* and *Benjamine Valentine* laid violent hands upon the ſaid Speaker, forcibly and unlawfully, and by ſtrong hand thruſt him into his Chair again; and then the ſaid Sir *John Elliot* again ſtood up, and uſed theſe ſpeeches; (*viz.*) 'We have prepa-'red n ſhort Declaration of our Intentions, which I hope ſhall agree 'with the Honour of the Houſe, and the Juſtice of the King. And with that he threw down a Paper into the floor of the ſaid Houſe, deſiring it might be read: and the ſaid *Denzil Holles*, *Benjamin Valentine*, and all D other the Confederates aforeſaid, in diſobedience and high contempt of your Majeſties ſaid command, called and cried out to have the ſame Paper read. But ſome others of the Houſe ſpake to the contrary, that it might not be read; and the Houſe thereupon, by reaſon of the diſorderly behaviour of the ſaid Confederates, was much troubled, many preſſing violently and tumultuouſly to have the ſaid Paper read, and others dutifully and diligently urging the contrary, to the great diſquiet and diſcomfort of many well-affected Members of that Houſe. E And the ſaid *William Coriton*, in this diſtemper, demeaned himſelf ſo paſſionately and violently, that he then and there violently, forcibly, and unlawfully aſſaulted and ſtruck *Winterton*, Gent. then being a Member of the ſaid Houſe: and divers of the Members of the ſaid Houſe being then deſirous, and endeavouring to have gone out of the ſaid Houſe, the ſaid Sir *Miles Hobart* did, of his own head, lock the door of the ſaid Houſe, and kept the key thereof, and impriſoned the Members of the ſaid Houſe, being then in the ſaid Houſe, againſt their wills, ſo F that none of them could go out. And the ſaid *William Strode*, for the further expreſſing of his malignity and undutifulneſs towards your Majeſty, and in purſuance of the agreement and confederacy aforeſaid, openly moved, and with much earneſtneſs urged, that the ſaid Paper or Declaration might be firſt read, to the end (as he then, in great contempt of your Royal Majeſty, ſaid) that we, meaning the Members of the Houſe,

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Houſe, may not be turned off like ſcattered Sheep, and ſent home as we were laſt Seſſions, with a ſcorn put upon us in Print; meaning there by the words which your Majeſty, in your own Perſon, ſpake at the ending of the laſt Seſſion, and cauſed the ſame to be printed: and the ſaid *Stroud*, in a very diſorderly manner, further moved, That all thoſe who would have the ſaid Paper read, ſhould ſtand up; which divers of them thereupon did do accordingly, and he the ſaid *Stroud* amongſt others did ſtand up; and in this heat of contention, and heighth of diſobedience, by the confederacy aforeſaid, to have the ſaid Paper read, the ſaid Sir *Peter Hayman*, with rough and reproachful words, reproved the ſaid Speaker, for being conſtant and reſolute in his obedience to your Majeſty, in not putting the reading of the ſaid Paper to the Queſtion, as by all the ſaid Confederates, with many Reaſons and Arguments he was urged to do: and the ſaid Sir *Peter Hayman* then further ſaid, That the ſaid Speaker was made an Inſtrument to cut up the Liberty of the Subjects by the roots. But when by no means the ſaid Speaker would be drawn to tranſgreſs your Majeſties Royal command aforeſaid, and leſt the ſaid Paper ſhould not be read, the ſaid *John Selden* moved, that the Clerk of the ſaid Houſe might read the ſame: and when the ſaid Sir *John Elliot* found, that he and his Confederates aforeſaid, could not procure the ſaid Paper to be read, he, the ſaid Sir *John Elliot*, to the end he might not loſe that opportunity to vent and publiſh thoſe malicious and ſeditious Reſolutions, which he and his Confederates had collected, and prepared as aforeſaid, took back the ſaid Paper again, and then immediately in the ſaid Houſe ſaid, *I ſhall now expreſs that by Tongue, which this Paper ſhould have done*; and then ſpake theſe words: 'The miſerable condition we are in, both in matters of 'Religion and Policy, makes me look with a tender eye both to the 'Perſon of the King, and to the Subjects. And then ſpeaking of them whom he intended to be ill Inſtruments in this State, at whom he principally aimed, he ſaid. 'There are amongſt them ſome Prelates of 'the Church, the great Biſhop of *Winchester* and his fellows; it is appa- 'rent what they have done, to caſt an aſperſion upon the honour, and 'piety, and goodneſs of the King. Theſe are not all, but it is extended 'to ſome others, who, I fear, in guilt of conſcience of their own deſert, 'do joyn their power with that Biſhop and the reſt, to draw his Ma- 'jeſty into a jealouſie of the Parliament; amongſt whom, I ſhall not fear 'to name the great Lord Treaſurer, in whoſe perſon I fear is contra- 'cted all that which we ſuffer. If we look into Religion or Policy, 'I find him building upon the ground laid by the Duke of *Buckingham* 'his great Maſter; from him, I fear, came thoſe ill Counſels which 'contracted that unhappy concluſion of the laſt Seſſion of Parliament; 'I find, that not only in the affections of his heart, but alſo in relation 'to him, and I doubt not to fix it indubitably upon him: and ſo from 'the power and greatneſs of him, comes the danger of our Religion. 'For Policy, in that great Queſtion of Tunnage and Poundage, the 'intereſt which is pretended to be the Kings, is but the intereſt of that 'Perſon, to undermine the Policy of this Government, and thereby to 'weaken the Kingdom, while he invites Strangers to come in to drive 'our Trade, or at leaſt our Merchants to Trade in Strangers Bottoms, 'which is as dangerous. Therefore it is fit to be declared by us, that all 'that we ſuffer, is the effect of new Counſels, to the ruine of the Govern- 'ment of the State; and to make a Proteſtation againſt all thoſe Men whether,

A B C D E F

5 Caroli.

'whether greater or ſubordinate, that they ſhall all be declared as capi-
'tal Enemies to the King and Kingdom, that will perſwade the King to
'take Tunnage and Poundage without grant of Parliament, and that if
'any Merchants ſhall willingly pay thoſe duties without conſent of Par-
'liament, they ſhall be declared as acceſſaries to the reſt. Which words
of the ſaid Sir *John Elliot*, were by him uttered as aforeſaid, falſly, and
A maliciouſly, and ſeditiouſly, out of the wickedneſs of his own affections
towards your Majeſty, and your gracious and religious Government, and
by the confederacy, agreement, and privity of the ſaid other Confede-
rates, and to lay a ſlander and ſcandal thereupon; and not with a pur-
poſe, or in a way to rectifie any thing which he conceived to be amiſs, but
to traduce and blaſt thoſe perſons againſt whom he had conceived malice;
for ſo himſelf the ſame day in that Houſe ſaid, and laid down as a ground
for that he intended to ſay, *That no man was ever blaſted in that Houſe,*
but a curſe fell upon him.

B And further, ſo it is, may it pleaſe your moſt excellent Majeſty,
That when the ſaid Sir *John Elliot* had thus vented that malice and
wickedneſs which lay in his heart, and as appeareth by his own words,
were expreſſed in the ſaid Paper, which was prepared as aforeſaid, the
ſaid *Walter Long*, out of his inveterate malice to your Majeſty, and to
your Affairs, and by the confederacy aforeſaid, then and there ſaid, *That*
man who ſhall give away my Liberty and Inheritance (*I ſpeak of the Mer-*
chants) *I note them for capital Enemies to the Kingdom.* And leſt
C the hearers ſhould forget theſe wicked deſperate poſitions laid down as
aforeſaid, and to the end the ſame might have the deeper impreſſion,
and be the more divulged abroad to the prejudice of your Majeſty, and
of your great Affairs, and to the ſcandal of your Government, the ſaid
Denzil Holles collected into ſeveral Heads what the ſaid Sir *John Elliot*
had before delivered out of that Paper, and then ſaid, *Whoſoever*
ſhall counſel the taking up of Tunnage and Poundage, without an Act of
Parliament, let him be accounted a capital Enemy to the King and
D *Kingdom.* And further, *What Merchants ſoever ſhall pay Tunnage and*
Poundage without an Act of Parliament, let him be counted a Betrayer of
the Liberty of the Subjects, and a capital Enemy to the King and King-
dom.

Which poſitions thus laid, the ſaid *Denzil Holles*, neither being Speak-
er, nor ſitting in the Chair as in a Committee by direction of the Houſe,
but in an irregular way, and contrary to all courſe of orderly proceed-
ings in Parliament, offered to put theſe things ſo delivered by him as
E aforeſaid, to the Queſtion, and drew from his Confederates afore-
ſaid an applauſe and aſſent, as if theſe things had been voted by the
Houſe.

And further: ſo it is, may it pleaſe your moſt Excellent Majeſty, That
the diſobedience of the ſaid Confederates was then grown to that
height, that when *Edward Grimſton*, the Serjeant at Arms then attending
the Speaker of that Houſe, was ſent for by your Majeſty, perſonally to
attend your Highneſs, and the ſame was made known in the ſaid Houſe,
F the ſaid Confederates notwithſtanding at that time, forcibly and un-
lawfully kept the ſaid *Edward Grimſton* locked up in the ſaid Houſe, and
would not ſuffer him to go out of the Houſe to attend your Majeſty:
And when alſo on the ſame day, *James Maxwel* Eſquire, the Gentle-
man-Uſher of the Black-Rod, was ſent from your Majeſty to the ſaid
Commons Houſe, with a Meſſage immediately from your Majeſties

An. 1629. own perſon, they the ſaid Confederates utterly refuſed to open the door of the Houſe, and to admit the ſaid *James Maxwel* to go to deliver his Meſſage. After all which, the ſaid Houſe was then adjourned until the ſaid tenth day of *March* then following; and on the ſaid tenth day of *March* the ſaid Parliament was diſſolved and ended. In conſideration of all which premiſſes, and foraſmuch as the contempt and diſobedience of the ſaid Sir *John Elliot*, and other the Confederates aforeſaid, were ſo great, and ſo many, and unwarranted by the priviledge and due proceeding of Parliament, and were committed with ſo high a hand, and are of ſo ill example, and ſo dangerous conſequence, and remain all unpardoned. Therefore they prayed a proceſs againſt them, to anſwer their contempts in the high Court of *Star-chamber*. A

Memorandum, That the 29 of *May*, *Anno quinto Car. Reg.* theſe words, *viz. After all which, the ſaid Houſe was then Adjourned until the ſaid tenth day of* March; *and on the ſaid tenth day of* March *the ſaid Parliament was diſſolved and ended*; were added and inſerted by order of the Court, immediately before, *In tender conſideration*, &c. B

Proceedings in *Star-chamber* againſt Mr. *Chambers*.

At the ſame time Sir *Robert Heath*, the Kings Attorney-General, preferr'd an Information in *Star-chamber* againſt *Richard Chambers* of the City of *London*, Merchant; wherein, firſt, he did ſet forth the gracious Government of the King, and the great Priviledges which the Merchants have in their Trading, by paying moderate duties for the Goods and Merchandizes exported and imported, and ſetting forth, that the raiſing and publiſhing of undutiful and falſe ſpeeches, which may tend to the diſhonour of the King or the State, or to the diſcouragement or diſcontentment of the Subject, or to ſet diſcord or variance between his Majeſty and his good People, are offences of dangerous conſequence, and by the Law prohibited, and condemned under ſeveral penalties and puniſhments. C D

That nevertheleſs the ſaid *Richard Chambers*, the 28 day of *September* laſt, being, amongſt ſome other Merchants, called to the Council-board at *Hampton-Court*, about ſome things which were complained of in reference to the Cuſtoms, did then and there, in an inſolent manner in the preſence or hearing of the Lords and other of his Majeſties Privy-Council, then ſitting in Counſel, utter theſe undutiful, ſeditious, and falſe words, *That the Merchants are in no part of the world ſo ſcrewed and wrung as in* England; *That in* Turky *they have more encouragement*. By which words, he the ſaid *Richard Chambers*, as the Information ſetteth forth, did endeavour to alienate the good affection of his Majeſties Subjects from his Majeſty, and to bring a ſlander upon his juſt Government: And therefore the Kings Attorney prayed Proceſs againſt him. E F

His Anſwer.

To this Mr. *Chambers* made anſwer, That having a Caſe of Silk Grogerams brought from *Briſtol* by a Carrier to *London*, of the value of 400 *l.* the ſame were, by ſome inferiour Officers, attending on the Cuſtom-houſe, ſeized without this Defendants conſent; notwithſtanding he offered to give ſecurity to pay ſuch Cuſtoms as ſhould be due by Law, and

5 *Caroli.*

and that he hath been otherwiſe grieved and damnified, by the Injurious dealing of the Under-Officers of the Cuſtom-houſe; and mentioned the particulars wherein: and that being called before the Lords of the Council, he confeſſeth, that out of the great ſenſe which he had of the injuries done him by the ſaid inferiour Officers, he did utter theſe words, *That the Merchants in* England *were more wrung and ſcrewed than in Foreign parts.* Which words were only ſpoken in the preſence of the
A Privy-Council, and not ſpoken abroad, to ſtir up any diſcord among the people; and not ſpoken with any diſloyal thought at that time of his Majeſty's Government, but only intending by theſe words to introduce his juſt complaint againſt the wrongs and injuries he had ſuſtained by the inferiour Officers; and that as ſoon as he had heard a hard conſtruction was given of his words, he endeavoured by Petition to the Lords of the Council, humbly to explain his meaning, that he had not the leaſt evil thought as to his Majeſties Government; yet was not per-
B mitted to be heard, but preſently ſent away priſoner to the *Marſhalſea*: and when he was there a priſoner, he did again endeavour by petition to give ſatisfaction to the Lords of the Council; but they would not be pleaſed to accept of his faithful explanation, which he now makes unto this Honourable Court upon his Oath; and doth profeſs from the bottom of his heart, *That his ſpeeches only aimed at the abuſes of the inferiour Officers, who in many things dealt moſt cruelly with him and other Merchants.*

C There were two of the Clerks of the Privy-Council examined as Witneſſes to prove the words, notwithſtanding the Defendant confeſſed the words in his Anſwer as aforeſaid, who proved the words as laid in the Information. And on the ſixth of *May*, 1629. the Cauſe came to be heard in the *Star-chamber*, and the Court were of opinion, that the words ſpoken were a comparing of his Majeſties Government with the Government of the Turks; intending thereby to make the people believe, that his Majeſties happy Government may be termed
D *Turkiſh Tyranny*; and therefore the Court fined the ſaid Mr. *Chambers* in the ſum of 2000 *l.* to his Majeſties uſe, and to ſtand committed to the Priſon of the *Fleet*, and to make ſubmiſſion for his great offence, both at the *Council-board*, in Court of *Star-chamber*, and at the *Royal Exchange*.

There was a great difference of opinion in the Court about the Fine: and becauſe it is a remarkable Caſe, here followeth the names of each ſeveral perſon who gave ſentence, and the Fine they concluded upon,
E *viz.*

His Sentence.

Sir *Francis Cottington*, Chancellor of the Exchequer, his opinion was for 500 *l.* Fine to the King, and to acknowledge his offence at the *Council-board*, the *Star-chamber Bar*, and *Exchange*.

Sir *Tho. Richardſon*, Lord Chief Juſtice of the *Common Pleas*, 500 *l.* Fine to the King, and to deſire the Kings favour.

F Sir *Nicholas Hide*, Lord Chief Juſtice of the *Kings Bench*, 500 *l.* and to deſire the Kings favour.

Sir *John Cook*, Secretary of State, 1000 *l.*
Sir *Humphrey May*, Chancellor, 1500 *l.*
Sir *Thomas Edmonds*, 2000 *l.*
Sir *Edward Barret*, 2000 *l.*

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Doctor *Neal*, Biſhop of *Wincheſter*	3000 *l.*
Doctor *Laud*, Biſhop of *London*	3000 *l.*
Lord *Carlton*, Principal Secretary of State	3000 *l.*
Lord , Chancellor of *Scotland*	3000 *l.*
Earl of *Holland*	1500 *l.*
Earl of *Doncaſter*	1500 *l.*
Earl of *Saliſbury*	1500 *l.*
Earl of *Dorſet*	3000 *l.*
Earl of *Suffolk*	3000 *l.*
Earl of *Mountgomery*, Lord Chamberlain	1500 *l.*
Earl of *Arundel*, Lord High Marſhal	3000 *l.*
Lord *Montague*, Lord Privy Seal	3000 *l.*
Lord *Conway*	2000 *l.*
Lord *Weſton*, Lord Treaſurer	3000 *l.*
Lord *Coventry*, Lord Keeper of the Great Seal	1500 *l.*

So the Fine was ſetled to 2000 *l.*

A

B

And all (except the two Chief Juſtices) concurred for a Submiſſion alſo to be made. And accordingly the Copy of the Submiſſion was ſent to the Warden of the Fleet, from Mr. Attorney-General, to ſhew the ſaid *Richard Chambers*, to perform and acknowledge it: and was as followeth:

A Submiſſion tendred.

C

I Richard Chambers *of* London *Merchant, do humbly acknowledge, that whereas upon an Information exhibited againſt me by the King's Attorney-General, I was in* Eaſter-*Term laſt ſentenced by the Honourable Court of* Star-Chamber, *for that in* September *laſt*, 1628. *being convented before the Lords and others of his Majeſty's moſt Honourable Privy-Council-board, upon ſome ſpeeches then uſed concerning the Merchants of this Kingdom, and his Majeſty's well and gracious uſage of them; did then, and there, in inſolent, contemptuous, and ſeditious manner, falſly and maliciouſly ſay and affirm,* That they, *meaning the Merchants,* are in no parts of the World ſo ſcrewed and wrung as in *England*; and that in *Turkey* they have more encouragement. *And whereas by the Sentence of that Honourable Court, I was adjudged, among other puniſhments juſtly impoſed upon me, to make my humble acknowledgment and ſubmiſſion of this great offence at this Honourable Board, before I ſhould be delivered out of the Priſon of the Fleet, whereto I was then committed, as by the ſaid Decree and Sentence of that Court, among other things it doth and may appear: Now I the ſaid* Richard Chambers, *in obedience to the Sentence of the ſaid Honourable Court, do humbly confeſs and acknowledge the ſpeaking of theſe words aforeſaid, for the which I was ſo charged, and am heartily ſorry for the ſame; and do humbly beſeech your Lordſhips all to be honourable interceſſors for me to his Majeſty, that he would be graciouſly pleaſed to pardon this great error and fault ſo committed by me.*

D

E

When Mr. *Chambers* read this draught of ſubmiſſion, he thus ſubſcribed the ſame:

His refuſal.

F

All the aboveſaid Contents and Submiſſion, I Richard Chambers *do utterly abhor and deteſt, as moſt unjuſt and falſe; and never till death will acknowledge any part thereof.*

Rich. Chambers.

Alſo

5 *Caroli.*

Alſo he under-writ theſe Texts of Scripture to the ſaid Submiſſion, before he returned it.

Places of Scripture mentioned by him.

That maketh a man an offender for a word, and lay a ſnare for him that reproveth in the gate, and turn aſide the juſt for a thing of nought. Iſa. 29. 21.

Blame not before thou haſt examined the truth; underſtand firſt, and then rebuke: anſwer not before thou haſt heard the cauſe, neither interrupt men in the midſt of their talk. Eccleſ. 11. 7, 8.

A *Doth our Law judge any man before it hear him, and know what he doth?* John 7. 51.

King Agrippa ſaid unto Paul, Thou art permitted to ſpeak for thy ſelf. Acts 26. 2.

Thou ſhalt not wreſt the judgment of the poor in his cauſe, thou ſhalt not reſpect perſons, neither take a gift: for a gift doth blind the eyes of the wiſe, and pervert the eyes of the righteous. Exod. 23. 6. Deut. 16. 19.

Wo to them that deviſe iniquity, becauſe it is in the power of their hand, and they covet fields, and take them by violence; and houſes, and take them away: ſo they oppreſs a man and his houſe, even a man and his heritage. Mic. 2. 1, 2.

B *Thus ſaith the Lord God, let it ſuffice you, O Princes of Iſrael: Remove violence and ſpoil, and execute judgment and juſtice, take away your exactions from my people, ſaith the Lord God.* Ezek. 45. 9. & 46. 8.

If thou ſeeſt the oppreſſion of the poor, and violent perverting of judgment and juſtice in a Province, marvel not at the matter: for he that is higher than the higheſt regardeth, and there be higher than they. Eccleſ. 5. 8.

C Per me, *Richard Chambers.*

London. His Plea in the Exchequer.

Afterwards in the Term of *Trinity*, the 5*th.* year of King *Charles*, it is found in the great Roll of this year, that there is demanded there, of *Richard Chambers* of *London*, Merchant, 2000 *l.* for a certain Fine impoſed on him, hither ſent by virtue of a Writ of our ſaid Lord the King, under the foot of the Great Seal of *England*, directed to the Treaſurer and Barons of this Exchequer, for making execution thereof to the uſe of the ſaid Lord the King, as is there contained; and now, that is to ſay, in the *Utas* of the Bleſſed *Trinity*, this Term, comes the ſaid *Richard Chambers* in his own proper perſon, and demands Oyer of the demand aforeſaid, and it is read unto him; and he demands Oyer alſo of the Writ aforeſaid, under the foot of the Great Seal of *England* hither ſent, and is read unto him in theſe words:

D

E CHarles *by the Grace of God, of* England, Scotland, France *and* Ireland, *King*, Defender of the Faith, &c. *To his Treaſurer and Barons of his Exchequer, health. The extrete of certain Fines taxed and adjudged by us and our Council, in our ſaid Council, in our Court of* Star-Chamber, *in the Term of St.* Michael, *the Term of St.* Hillary, *and the Term of* Eaſter *laſt paſt, upon* Thomas Barns, *of the Pariſh of St.* Clements Danes *in the County of* Middleſex, *Carpenter, and others, ſeverally and dividedly, as they be there ſeverally aſſeſſed, We ſend unto you included in theſe preſents, commanding, that looking into them, you do that which by Law you ought to do againſt them, for the levying of thoſe Fines.* Witneſs our ſelf at *Weſtminſter*, the 21 of *May*, in the year of our Reign the 5 Mutas.

F

And

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And the tenor of the Schedule to the ſaid Writ annexed, as to the ſaid *Richard Chambers*, followeth in theſe words:

"IN the Term of *Eaſter*, the fifth year of King *Charles*, of *Richard Chambers* of *London*, Merchant, 2000*l.* which being read, heard, and by "him underſtood, he complains, that he is grievouſly vexed and inquieted by colour of the Premiſes; and that not juſtly, for that proteſting, that the ſaid Great Roll, and the matter therein contained, is A "not in Law ſufficient, to which he hath no need, nor is bound by Law "to anſwer; yet for Plea the ſaid *Richard Chambers* ſaith, That he, of "the demand aforeſaid, in the Great Roll aforeſaid mentioned, and every parcel thereof, ought to be diſcharged againſt the ſaid Lord the "King, for that he ſaid, That he from the time of the Taxation of the "aforeſaid Fine, and long before, was a Freeman and a Merchant of "this Kingdom; that is to ſay, In the Pariſh of the Bleſſed *Mary* of the "*Arches*, in the Ward of *Cheap*, *London*. And that by a certain Act in B
H. 3. 9. "the Parliament of the Lord *Henry* late King of *England* the Third, "held in the ninth year of his Reign, it was provided by Authority of "the ſaid Parliament, That a Freeman ſhall not be amerced for a little "offence, but according to the manner of the ſaid offence; and for a "great offence, according to the greatneſs of the offence, ſaving to him "his Contenement or Free-hold; and a Merchant in the ſame manner, "ſaving unto him his Merchandize; and a Villain of any other than the "King after the ſame manner to be amerced, ſaving his Wainage; and C "none of the ſaid Amerciaments to be impoſed but by the Oaths of good "and lawful men of the Neighbourhood: And by a certain other
E. 1. 3. "Act in the Parliament of the Lord *Edward*, late King of *England*, the "firſt, held in the Third year of his Reign, it was and is provided, That "no City, Burrough, or Town, nor any Man, ſhall be amerced, without "reaſonable cauſe, and according to his Treſpaſs; that is to ſay, A "Free-man, ſaving to him his Contenement; a Merchant, ſaving to him "his Merchandize; and a Villain, ſaving to him his Wainage: and this D "by their Peers. And by the ſame Act in the Parliament of the ſaid
H. 3. 9. "Lord *Henry*, late King of *England* the Third, held in the ninth year "of his Reign aforeſaid, it was and is provided by Authority of the "ſaid Parliament, That no Freeman ſhould be taken or impriſoned, "or diſſeized of his Freehold, or Liberties, or Free-Cuſtoms, or outlawed, or baniſhed, or any way deſtroyed. And that the Lord the King "ſhould not go upon him, nor deal with him, but by a lawful Judgment of his Peers, or by the Law of the Land. And by a certain Act E "in Parliament of the Lord *Edward* late King of *England* the third,
E. 3. 5. "held in the fifth year of his Reign, it was and is provided by the Authority of the ſaid Parliament, That no man henceforward ſhould "be attached by reaſon of any Accuſation, nor pre-judged of Life or "Member, nor that his Lands, Tenements, Goods or Chattels ſhould "be ſeized into the hands of the Lord the King againſt the form of "the Great Charter, and the Law of the Land. And by a certain
H. 7. 3. "Act in the Parliament of the Lord *Henry* late King of *England* the F "Seventh, held in the third year of his Reign, reciting, that by unlawful Maintenances given of Liveries, Signs, and Tokens, and retainders by Indentures, Promiſes, Oaths, Writings, and other Imbraceries of the Subjects of the ſaid Lord the King, falſe Demeanors of "Sheriffs, in making of Pannels, and other falſe Returns, by taking

"of

5 *Caroli.*

'of money by Jurors, by great Riots and unlawful Aſſemblies the Poli-
'cy and good Government of this Kingdom was almoſt ſubdued: and
'by not puniſhing of the ſaid inconveniences, and by occaſion of the
'premiſſes, little or nothing was found by Inquiſition; by reaſon there-
'of, the Laws of the Land had little effect in their execution, to the
'increaſe of Murders, Robberies, Perjuries, and inſecurities of all men
'living, to the loſs of their Lands and Goods, to the great diſpleaſure
A 'of Almighty God. It was ordained for reformation of the premiſſes,
'by authority of the ſaid Parliament, that the Chancellor and Treaſu-
'rer of *England* for the time being, and the Keeper of the Privy-Seal of
'the Lord the King, or two of them, calling to them one Biſhop, one
'Lord Temporal of the moſt Honourable Council of the Lord the
'King, and two Chief Juſtices of the *Kings Bench* and *Common-Pleas*
'for the time being, or two other Juſtices in their abſence, by Bill
'or Information exhibited to the Chancellor for the King, or any
B 'other, againſt any perſon, for any other ill behaviours aforeſaid,
'have authority of calling before them, by Writ of Privy-Seal, ſuch
'Malefactors, and of examining them and others by their diſcretion,
'and of puniſhing ſuch as they find defective therein, according to
'their demerits, according to the form and effect of the Statutes thereof
'made, in the ſame manner and form as they might and ought to be
'puniſhed, if they were thereof convinced according to the due courſe
'of Law. And by a certain other Act in the Parliament of the Lord
C '*Henry*, late King of *England*, the Eighth, held in the one and twentieth 8 *H.* 21.
'year of his Reign, reciting the offences in the foreſaid Statute of the
'ſaid late King *Henry* the Seventh, before-mentioned, by authority of
'the ſaid Parliament, it was and is ordained and enacted, That hence-
'forward the Chancellor, Treaſurer of *England*, and the Preſident of
'the moſt Honourable Privy-Council of the King, attending his moſt
'honourable Perſon for the time being, and the Lord Keeper of the
'Privy-Seal of the Lord the King, or two of them, calling to them one
D 'Biſhop, and one Temporal Lord of the moſt Honourable Council of
'the Lord the King, and two Chief Juſtices of the *Kings Bench* and
'*Common Pleas* for the time being, or two Juſtices in their abſence, by
'any Bill or Information then after to be exhibited to the Chancellor
'of *England*, the Treaſurer, the Preſident of the ſaid moſt Honourable
'Council of the Lord the King, or the Keeper of the Privy-Seal of the
'Lord the King for the time being, for any miſdemeanor in the afore-
'ſaid Statute of King *Henry* the Seventh aforeſaid before recited, from
E 'henceforth have full power and authority of calling before them, by
'Writ or by Privy-Seal, ſuch Malefactors, and of examining of them and
'others by their diſcretion, and of puniſhing thoſe that are found defe-
'ctive according to their demerits. According to the form and effect
'of the ſaid Statute of the aforeſaid Lord King *Henry* the Seventh, and
'of all other Statutes thereupon made not revoked and expired, in the
'ſame manner and form as they might and ought to be puniſhed, if they
'were convicted according to the due order of the Laws of the
F 'ſaid Lord the King. And by the aforeſaid Writ, under the foot of
'the Great Seal, it manifeſtly appears, that the ſaid Fine was impoſed
'by the Lord the King and his Council, and not by the Legal Peers of
'the ſaid *Richard Chambers*, nor by the Law of the Land, nor according
'to the manner of the pretended offence of the ſaid *Richard Chambers*,
'nor ſaving unto him his Merchandize, nor for any offence mentioned

'in

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'in the ſaid Statutes; all and ſingular the which, the ſaid *Richard Chambers* is ready to verifie to the Court, *&c.* and demands judgment; and 'that he be diſcharged of the ſaid 2000 *l.* againſt the ſaid Lord, the now 'King; and that as to the premiſſes he may be diſmiſſed from this 'Court.

Waterhouſe.

1629. 16 *June.*

With this Plea he annexed a Petition to the Lord Chief Baron, and alſo to every one of the Barons, humbly deſiring the filing of the Plea, with other Reaſons in the manner of a motion at the Bar, becauſe he ſaid, Counſel would not move, plead, nor ſet hand to it, as further appeareth.

The Copy of the Order upon Mr. Attorney's motion in the *Exchequer*, the 17 *July*, 1629. after the Plea put in, and order to file it. *Per* the Lord Chief Baron.

London. Order in the Exchequer.

TOuching the Plea put into this Court by Richard Chambers, *to diſcharge himſelf of a Fine of* 2000 l. *ſet on him in the* Star-chamber, *foraſmuch as Sir* Robert Heath *Knight, his Majeſties Attorney General, informed this Court, that the ſaid* Chambers *in his ſaid Plea recites divers Statutes, and* Magna Charta, *and what offences are puniſhable in the* Star-chamber, *and how the proceedings ought to be; and upon the whole matter concludes,* That the ſaid Fine was impoſed by the King and his Council, and not by a Legal Judgment of his Peers, nor by the Laws of the Land, nor according to the manner of his offence, nor ſaving his Merchandize, nor for any offence mentioned in the ſaid Statutes. *Which Plea, Mr. Attorney conceiving it to be very frivolous and inſufficient, and derogatory to the honour and juriſdiction of the Court of* Star-chamber, *humbly prayeth might not be allowed of, nor filed: It is therefore this day ordered, That the ſaid Plea ſhall be read on* Saturday *next, and then upon hearing the Kings Counſel, and the Counſel of the ſaid* Richard Chambers, *this Court will declare their further order therein; and in the mean time the ſaid Plea is not to be filed nor delivered out.*

In *Michaelmas* Term following, Mr. *Chambers* was brought by a *Habeas Corpus* out of the *Fleet*: and the Warden did return,

Mr. *Chambers* brought by a *Habeas Corpus.*

'THat he was committed to the *Fleet* by virtue of a Decree in the '*Star-Chamber*, by reaſon of certain words he uſed at the Council 'Table, (*viz.*) *That the Merchants of* England *were ſcrewed up here in* 'England *more than in* Turkey. And for theſe and other words of de'famation of the Government, he was cenſured to be committed to the '*Fleet*, and to be there impriſon'd until he had made his ſubmiſſion at the 'Council-Table, and to pay a Fine of 2000 *l.* And now at the Bar he 'prayeth to be delivered, becauſe this Sentence is not warranted by 'any Law or Statute: For the Statute of 3 *Hen.* 7. which is the foun'dation of the Court of *Star-chamber*, doth not give them any autho'rity to puniſh for words only. But all the Court informed him,

'That

5 *Caroli.*

'Th at the Court of Star-Chamber was not erected by the Statute of 3 *H.*7. 'but was a Court many years before, and one of the moſt high and ho- 'nourable Courts of Juſtice: and to deliver one who was committed by 'the Decree of one of the Courts of Juſtice, was not the uſage of this 'Court; and therefore he was remanded.

As a concurrent proof of theſe proceedings concerning Mr. *Chambers* we ſhall inſert here a Petition of his (though out of time) to the Long Parliament.

To the Parliament of the Commonwealth of England, Scotland *and* Ireland.

The brief Remonſtrance and humble Petition of *Richard Chambers*, Merchant, late Alderman and Sheriff of the City of *London:*

SHEWING,

His Petition to the Parliament

THat *in the Parliament held in the years* 1627, *and* 1628. *it was voted and declared by the honourable Houſe of Commons, That whoſoever ſhall counſel or adviſe the taking or levying of the Subſidy of Tunnage and Poundage, not granted by Parliament, or ſhall be any Actor or Inſtrument therein, ſhall be reputed an Innovator in the* Government, *and a capital Enemy to the Kingdom and Commonwealth; and if any Merchant or Perſon whatſoever ſhall voluntarily yield or pay the ſaid Subſidy of Tunnage and Poundage, not being granted by Parliament, they ſhall likewiſe be reputed Betrayers of the Liberties of* England, *and Enemies to the ſame, as may appear by the ſaid Order upon Record.*

In ſubmiſſion and obedience whereunto, the Petitioner firſt oppoſed and withſtood the payment of Tunnage and Poundage *(until they were ſetled by Parliament) and all other illegal Taxes; for which ſubmiſſion and obedience, in the years* 1628, *and* 1629, *the Petitioner had* 7060 *pounds of his Goods wrongfully taken and detained from him by the late Kings Officers and Farmers of the Cuſtom-Houſe of* London *for pretended duties, and a heavy Sentence and Fine in the Star-Chamber, which was impoſed upon him in the year* 1629. *beſides which loſſes, the* Petitioner *further ſuffered in his perſon by ſix whole years impriſonment in the Fleet, for not ſubmitting to that Sentence and Fine: and in the year* 1637. *nine months impriſonment in* Newgate *for withſtanding Ship-money: by which loſſes and impriſonments, the* Petitioner *was put by the exerciſe of his calling, and was wounded in his credit and reputation.*

Which ſufferings the honourable Houſe of Commons, (upon the Petitioners complaint in the year 1640.) *taking into their grave conſiderations, were pleaſed to refer the examination thereof to a Committee of* 50 *Members, wherein were included the Committee for the Navy and Cuſtoms; who being well ſatisfied of the truth thereof, by Oath, and other good ſufficient proofs upon Record, drew up their Report, that the* Petitioner *ought then to have* 13680 *pounds in part of Reparation, leaving the reſt of thoſe Reparations to the further judgment of the Honourable Houſe, as by the annexed Copy of that Report may further appear.*

In purſuit of which report, the Parliament *then levied and received from the old Farmers and Officers of the Cuſtoms* 50000 *pounds for wrongs and abuſes done to the Petitioner (chiefly) and other Merchants, intending firſt to*

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give to the Petitioner ſatisfaction out of the ſame, becauſe he was the firſt man that oppoſed the pretended duties, and the greateſt ſufferer.

Whereupon in the year 1642. the Petitioner was choſen Alderman, and in the year 1644. Sheriff of the City of London: which places the Petitioner earneſtly endeavoured to ſhun; but ſuch were the earneſt importunities, and perſwaſive encouragements of divers Members of the Honourable Houſe, (who then deſired to have the Petitioner in place of Truſt, for his former ſervice to the Commonwealth) that the Petitioner was conſtrained to accept not only of the place of Alderman, but further underwent the Office and Charge of Sheriff of London, which ſtood the Petitioner in 4000 pounds that year. A

But notwithſtanding the aforeſaid promiſes and intents of the Parliament to give the Petitioner ſatisfaction, ſuch were the great compulſive exigents, and urgent neceſſities of thoſe times, cauſed by the publick diſtractions, that the ſaid monies were converted to the publick uſe; therefore the Parliament deſired the Petitioner to have a little patience, promiſing him ſpeedy ſatisfaction as well for the forbearance as for the principal debt: but the diſtractions continuing, the Petitioner had neither intereſt nor any part of his Principal, the Parliament in the year 1648. in part of ſatisfaction, ſettled the Petitioner in the Office of Surveyor and Check in the Cuſtom-houſe of London, then worth at leaſt 600 l. per annum; but the Petitioner having only enjoyed that place eight months, was cauſleſly outed by ſiniſter information of intruders, who have enjoyed that Office, and divided the profit thereof between them ever ſince that intruſion. B

Moreover, the late King by Privy-Seal, owes to the Petitioners Wife (who is the Relict of Mr. Thomas Ferrer) for Linnen Cloth 5000 l. and for Money lent 1200 l. for which ſhe was aſſigned ſatisfaction out of the Cuſtoms of Tobacco; beſides, ſhe was further aſſigned out of Sir Thomas Dawes Office 100 marks per annum: all which debts likewiſe lie wholly unſatisfied, to the Petitioners great prejudice. C

Beſides the aforeſaid loſſes, hinderances, expences, ſufferings, and forbearances of the profit of the ſaid Office, the Petitioner from time to time hath laid out himſelf for the common good, in acting, lending, ſpending, (and ſerving) when others refuſed; expoſed himſelf to that imminent danger at Branford, by leading out a Troop of Horſe for the Priviledges, Liberties, and Rights of the City of London and Commonwealth, inſomuch, that thereby, and for want of his ſatisfaction aforeſaid, the Petitioner having conſumed his Eſtate, hath been conſtrained to ſell and morgage ſome part of his Lands to pay Creditors, and to maintain his Family, having a Wife and nine Children; and is likely to be undone for obeying the Parliaments Commands, unleſs by the juſtice and commiſeration of this honourable Aſſembly he be ſpeedily relieved and righted, for that ever ſince the ſaid reported ſum, the Petitioner from time to time hath made his humble addreſſes to the ſupreme powers for the time being, for ſatisfaction thereof; and to be reſtored to the ſaid Office, but could not prevail. D E

The Petitioner therefore humbly prays, That he may not periſh for acting for the publick good according to the Declaration of Parliament, but that now after 26 years ſuffering, whereof twelve years in fruitleſs and weariſome waitings, this honourable Aſſembly would now be pleaſed to take the unparalel'd ſufferings of the Petitioner into their grave conſiderations, for ſome ſpeedy courſe for the Petitioners ſatisfaction, to pay his Debts, and redeem his Lands by ordering him the one moyety of his Debt in ready Money out of the daily Cuſtoms of *London*, (from whence his firſt loſſes and ſuffer- F

5 *Caroli.*

ſufferings ſprang) and the other moiety to be diſcompted upon ſuch Goods as the Petitioner ſhall make Entries of by Exportation or importation in the Cuſtom-houſe, *London*, until his Debt with the Intereſt be fully ſatisfied and paid; or any other ſpeedy way, as in your grave wiſdoms ſhall ſeem meet. And in like manner for his Wives Debt, which is to pay Debts and Legacies: and that the Petitioner may forthwith be reſtored to, and ſetled in the ſaid Office, and have Reparations from the Intruders.

And the Petitioner, with his, ſhall in all duty ever pray, &c.

Sept. 6. 1654. *Richard Chambers.*

His death.

The Petitioner being wearied out with twelve years attendance upon one Parliament, in hopes of reparation for his impriſonment, troubles, and loſſes, during the eleven years former interval of Parliament, in ſtanding for the Liberty of the Subject, grew infirm; and being not relieved, was reduced to a low eſtate and condition: he died in Summer 1658. being about the age of Seventy years.

Mr. *Selden* brought upon a *Habeas Corpus*.

Trinity 5 *Car. Banco Regis.* The firſt day of this Term, upon a *Habeas Corpus* to Sir *Allen Apſley* the Lieutenant of the Tower, to bring here the body of *John Selden* Eſq; with the cauſe of Deteiner: he returned the ſame cauſe as in Mr. *Stroud's* Caſe. And Mr. *Littleton* of the *Inner-Temple*, of Counſel with Mr. *Selden*, moved, that the Return was inſufficient in ſubſtance; therefore pray'd that he might be bailed: and ſaid, That it was a matter of great conſequence, both to the Crown of the King, and to the Liberty of the Subject: but as for the difficulty of Law contained in it, he ſaid (under favour) the Caſe cannot be ſaid *Grand.* And ſo proceeded to his Argument, (which, for the Reaſons beforementioned, we have poſtponed) and concluded, that the Priſoner ought to be bailed.

The ſame day Sir *Miles Hubbard*, *Benjamin Valentine*, *Denzil Holles*, Eſq; were at the Bar upon the *Habeas Corpus*, directed to ſeveral Priſons. And their Counſel were ready at the Bar to have argued the Caſe for them alſo. But becauſe the ſame Return was made for them as for Mr. *Selden*, they all declared, they would rely on this Argument made by Mr. *Littleton*.

Some few days after, Sir *Robert Heath*, the Kings Attorney General, argued, that this Return was good; and that Mr. *Selden* and the reſt of the Parties ought not to be bailed; and that within the Return there appears good cauſe of their commitment, and of their detaining alſo. He ſaid, The Caſe is great in expectation and conſequence, and concerns the Liberty of the Subject on one part, whereof the Argument is plauſible; and on the other part it concerns the Safety and Sovereignty of the King, which (he ſaid) is a thing of great weight; and that the conſideration of both pertains to you the Judges, without ſleighting the one, or too much elevating the other: And ſo proceeded to his Argument (of which, more at large hereafter) and concluded, that the Priſoners ought to be remanded.

When the Court was ready to have delivered their opinions in this great buſineſs, the Priſoners were not brought to the Bar according to

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the Rule of the Court. Therefore Proclamation was made, for the keepers of the ſeveral Priſons to bring in their Priſoners; but none of them appeared, but the Marſhal of the *Kings-Bench*, who informed the Court, that Mr. *Strode*, who was in his cuſtody, was removed yeſterday, and put in the *Tower* of *London* by the Kings own Warrant; and ſo it was done with the other Priſoners, for each of them was removed out of his Priſon in which he was before. But notwithſtanding it was pray'd by the Counſel for the Priſoners, that the Court would deliver their opinion as to the matter in Law: but the Court refuſed to do that, becauſe it was to no purpoſe; for the Priſoners being abſent, they could not be bailed, delivered, or remanded. A

The evening before, there came a Letter to the Judges of this Court from the King himſelf, informing the Court with the Reaſons, wherefore the Priſoners were not ſuffered to come at the day appointed for the reſolution of the Judges. Theſe were the words of the Letter. B

To Our Truſty and Well-beloved, Our Chief Juſtice, and the reſt of Our Juſtices of Our Bench.

C. R. C

A Letter from the King to the Judges.

TRuſty and well-beloved, We greet you well: Whereas by our ſpecial commandment we have lately removed Sir Miles Hubbard, Walter Long *and* Will. Stroud *from the ſeveral Priſons where they were formerly committed, and have now ſent them to our* Tower *of* London; *underſtanding there are various conſtructions made thereof, according to the ſeveral apprehenſions of thoſe who diſcourſe of it, as if we had done it to decline the courſe of Juſtice: We have therefore thought fit to let you know the true reaſon and occaſion thereof, as alſo, why we commanded thoſe and the other Priſoners ſhould not come before you the laſt day: We (having heard how moſt of them awhile ſince did carry themſelves inſolently and unmannerly both towards us and your Lordſhips) were and are very ſenſible thereof; and though we hear your ſelves gave them ſome admonition for that miſcarriage, yet we could not but reſent our Honour, and the Honour of ſo great a Court of Juſtice ſo far, as to let the world know how much we diſlike the ſame: And having underſtood, that your Lordſhips, and the reſt of our Judges and Barons of our Court of* Common-pleas *and* Exchequer *(whoſe advices and Judgments we have deſired in this great buſineſs, ſo much concerning our Government) have not yet reſolved the main queſtion; we did not think the preſence of thoſe Priſoners neceſſary; and until we ſhould find their temper and diſcretions to be ſuch as may deſerve it, we were not willing to afford them favour. Nevertheleſs, the reſpect we bear to the proceedings of that Court, hath cauſed us to give way, that* Selden *and* Valentine *ſhould attend you to morrow, they being ſufficient to appear before you, ſince you cannot as yet give any reſolute opinion in the main point in queſtion.* Given under our Signet at our Mannor at *Greenwich*, this 24 *Junii*, in the fifth year of our Reign. D E F

Within three hours after the receit of thoſe Letters, other Letters were brought unto the ſaid Judges, as followeth.

To

5 *Caroli.*

To our Truſty and Well-beloved, Our Chief Juſtice, and the reſt of Our Juſtices of Our Bench.

A C. R.

TRuſty and Well-beloved, We greet you well. Whereas by our Letters of this days date, we gave you to underſtand our pleaſure, That of thoſe Priſoners which, by our commandment, are kept in our Tower of London, Selden *and* Valentine *ſhould be brought to morrow before you; now upon more mature deliberation, we have reſolved, That all of them ſhall receive the ſame treatment, and that none ſhall come before you, until we have cauſe given us to believe* B *they will make a better demonſtration of their Modeſty and Civility, both towards us and your Lordſhips, than at their laſt appearance they did.*

Another Letter.

Given under Our Signet at Our Manor at *Greenwich*, this 24 day of *June*, in the fifth year of our Reign.

So the Court this Term delivered no opinion, and the impriſoned Gentlemen continued in reſtraint all the long Vacation.

C Note, that in this Term a *Habeas Corpus* was prayed to the Purſevant of Arms for four Conſtables of *Hertfordſhire*, to whoſe cuſtody they were committed by the Lords of the Privy-Council; and the *Habeas Corpus* was granted on their behalf: but then they were committed to the cuſtody of other Purſevants; and ſo upon every *Habeas Corpus* they were removed from Purſevant to Purſevant, and could have no fruit of their *Habeas Corpus* all this Term.

D There wanted not ſome, who, upon the Kings diſſolution of this Parliament, and his ill ſucceſs in two former Parliaments, did adviſe, that his Majeſty for the future might be no more troubled with the impertinencies of Parliaments; holding out for example the like diſcontinuance for aſſembling the Three Eſtates in *France*, which was in time about four years before the Blazing-Star, by *Lewis* the Eleventh, King of *France*, who, by reaſon the Third Eſtate, repreſenting the Commons, did incroach (as he declared) too much upon the Clergy and Nobility, the King diſſolved that Parliament of the Three Eſtates, and never had a free Election E of the Third Eſtate afterwards, but ordained another kind of Meeting inſtead thereof, which is called *L'Aſſembly des Notables*, an Aſſembly of certain eminent Perſons of his own Nomination; whereunto he added ſome Counſellor out of every Court of Parliament: there being Eight in all in *France*, and being few in number, and of his own Nomination, would more readily comply with the Kings propoſals, and not diſpute his will and pleaſure, as the general Aſſembly of the Three Eſtates had wont to do, when the King trenched upon the Liberty and Property of F the Subject: which alteration of the Government, as to the Third Eſtate, hath ever ſince expoſed the Commons to much vaſſalage and miſery, as at this day is apparent by the meanneſs of their livelihood, and wearing of wooden ſhoes.

L'Aſſembly des Notables.

That which gives us occaſion to mention this laſt particular, is a little Tract

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Tract compoſed to the ſaid end and purpoſe, and which did this Trinity long Vacation walk abroad, and went from hand to hand, ſometime at Court, ſometime in the Countrey, and ſometime at the Inns of Court; which we here ſet down *verbatim* in the Appendix, that the humour of the Author thereof may be the more clearly diſcerned; and when we come to its proper time and place, you ſhall ſee what ſucceſs this Pamphlet had, when it was queſtioned in the *Star-chamber.*

A

A Letter to the Judges.

Towards the latter end of this Vacation, all the Juſtices of the *Kings Bench*, being then in the Countrey, received every one of them a Letter to be at *Sergeants-Inn* upon *Michaelmas-day.* Theſe Letters were from the Council-Table; and the cauſe expreſſed in them, was, *That his Majeſty had preſent and urgent occaſion to uſe their ſervice.* The Judges came up accordingly on *Tuſeday*, being *Michaelmas-day.* The next morning about four a clock, Letters were brought to the Chief Juſtice from Mr. *Trumbal*, Clerk of the Council, then attending, that he and Judge *Whitlock*, one of the Judges of that Court, ſhould attend the King that morning ſo ſoon as conveniently they could: which the Chief Juſtice and that Judge did at *Hampton* that morning; where the King taking them apart from the Council, fell upon the buſineſs of the Gentlemen in the *Tower*, and was contented they ſhould be bailed, notwithſtanding their obſtinacy, in that they would not give the King a Petition, expreſſing, *That they were ſorry he was offended with them.* He ſhewed his purpoſe to proceed againſt them by the Common-Law in the *Kings-Bench*, and to leave his proceeding in the *Star-Chamber.* Divers other matters he propoſed to the ſaid Judges by way of advice, and ſeemed well contented with what they anſwered, though it was not to his mind; which was, That the offences were not capital, and that by the Law the Priſoners ought to be bailed, giving ſecurity to the good behaviour. Whereupon the King told them, That he would never be offended with his Judges, ſo they deal plainly with him, and did not anſwer him by Oracles and Riddles. Both theſe Judges did at that time what good Office they could to bring the King on to heal this breach.

B

The King confers with ſome of them.

C

D

The firſt day of *Michaelmas-Term* it was moved by Mr. *Maſon* to have the Reſolution of the Judges; and the Court with one voice ſaid, *That they are now content that they ſhould be bailed, but that they ought to find Sureties alſo for the good behaviour.* And *Jones* Juſtice ſaid, *That ſo it was done in the Caſe which had been often remembred to another purpoſe, to wit,* Ruſſels *Caſe in* 9 E. 3. To which Mr. *Selden* anſwered (with whom all the other Priſoners agreed in opinion) *That they have their Sureties ready for the Bail, but not for the good behaviour; and deſire, that the Bail might firſt be accepted, and that they be not urged to the other; and that for theſe Reaſons:*

E

Motion to bail the Priſoners.

Firſt, *The Caſe here hath long depended in Court (and they have been impriſoned for theſe thirty weeks) and it hath been oftentimes argued on the one ſide and the other; and thoſe that argued for the King, always demanded that we ſhould be remanded; and thoſe which argued on our ſide, deſired that we might be bailed or diſcharged: but it was never the deſire of the one ſide or the other, that we ſhould be bound to the good behaviour. And in the laſt Term four ſeveral days were appointed for the reſolution of the Court, and the ſole point in queſtion was,* If bailable or not. *Therefore he now deſires, that the matter of bail and of good behaviour may be ſevered, and not confounded.*

F

Secondly, *Becauſe the finding of Sureties of good behaviour is ſeldom urged upon*

5 *Caroli.*

upon Returns of Felonies or Treaſons. And it is but an implication upon the Return, that We are culpable of thoſe matters which are objected.

3. *We demand to be bailed in point of Right; and if it be not grantable of Right, we do not demand it: but the finding of Sureties for the good behaviour is a point of diſcretion meerly; and we cannot aſſent to it, without great offence to the Parliament, where theſe matters which are ſurmiſed by Return were acted; and by the Statute of* 4 Hen. 8. *all puniſhments of ſuch nature are made void and of none effect. Therefore,* &c.

A

Curia.

The Return doth not make mention of any thing done in Parliament, and we cannot, in a judicial way, take notice that theſe things were done in Parliament. And by Whitlock, *The ſurety of good behaviour, is as a preventing medicine of the damage that may fall out to the Commonwealth; and it is an Act of Government and Juriſdiction, and not of Law. And by* Crook, *it is no inconvenience to the Priſoners: for the ſame bail ſufficeth, and all ſhall be written upon one piece of Parchment.* And *Heath* Attorney-General ſaid, *That by the command of the King he had an Information ready in his hand to deliver in the Court againſt them. Hide* Chief-Juſtice: *If now you refuſe to find Sureties for the good behaviour, and be for that cauſe remanded; perhaps we afterwards will not grant* Habeas Corpus *for you, inaſmuch as we are made acquainted with the cauſe of your Impriſonment.*

B

C

Aſhley the Kings Sergeant offered his own bail for Mr. *Holles*, one of the Priſoners (who had married his Daughter and Heir) but the Court refuſed it; *for it is contrary to the courſe of the Court, unleſs the Priſoner himſelf will become bound alſo.*

And Mr. *Long* that had found Sureties in the Chief Juſtices Chamber for the good behaviour, refuſed to continue his Sureties any longer, inaſmuch as they were bound in a great ſum of 2000 *l.* and the good behaviour was a tickliſh point. Therefore he was committed to the cuſtody of the Marſhal, and all the other Priſoners were remanded to the Tower, becauſe they would not find Sureties for the good behaviour.

D

An Information exhibited in the Kings-Bench againſt Sir *John Elliot*, &c.

Accordingly the ſame Term an Information was exhibited by the Attorney-General againſt Sir *John Elliot*, *Denzil Holles*, Sir *Benjamin Valentine*, reciting, That a Parliament was ſummoned to be held at *Weſtminſter*, 17 *Martii tertio* Caroli *Regis*, *ibid. inchoat.* and that Sir *John Elliot* was duly elected, and returned Knight for the County of *Cornwal*, and the other two Burgeſſes of Parliament for other places: and Sir *John Finch* choſen Speaker.

E

That Sir John Elliot *machinans & intendens, omnibus viis & modis, ſeminare & excitare* diſcord, evil will, murmerings and ſeditions, as well *verſus Regem, Magnates, Prælatos, Proceres, & Juſticiarios ſuos, quam inter Magnates, Proceres, & Juſticiarios, & reliquos Subditos Regis, & totaliter deprivare & avertere regimen & gubernationem* Regni Angliæ *tum in Domino Rege, quam in Conciliariis & Miniſtris ſuis cujuſcunque generis; & introducere tumultum & confuſionem*, in all Eſtates and parts, *& ad intentionem*, That all the Kings Subjects ſhould withdraw their affections from the King. The 23 of *February Ann.* 4 *Carol.* in the Parliament, and hearing of the Commons, *falſo, malitioſe & ſeditioſe*, uſed theſe words,

F

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words, *the Kings Privy-Council, his Judges, and his Counſel learned, have conſpired together to trample under their feet the Liberties of the Subjects of this Realm, and the Liberties of this Houſe.* And afterwards upon the 2d. of *March*, *Ann.* 4. aforeſaid, the King appointed the Parliament to be adjourned till the 10th of *March* next following, and ſo ſignified his pleaſure to the Houſe of Commons: and that the three Defendants the ſaid 2d day of *March* 4 *Car. malitioſe*, agreed, and amongſt themſelves conſpired to diſturb and diſtract the Commons, that they ſhould not adjourn themſelves according to the Kings pleaſure before ſignified; And that the ſaid Sir *John Elliot*, according to the agreement and conſpiracy aforeſaid, had maliciouſly *in propoſitum & intentionem prædict.* in the Houſe of Commons aforeſaid, ſpoken theſe falſe, malicious, pernicious, and ſeditious words precedent, *&c.* And that the ſaid *Denzil Holles* according to the agreement and conſpiracy aforeſaid, between him and the other Defendants, then and there, *falſo, malitioſe, & ſeditioſe*, uttered *hæc falſa, malitioſa, & ſcandaloſa verba præcedentia*, &c. And that the ſaid *Denzil Holles* and *Benjamin Valentine*, *ſecundum agreamentum & conſpirationem prædict. & ad intentionem & propoſitum prædict.* uttered the ſaid words upon the ſaid 2d of *March*, after the ſignifying the Kings pleaſure to adjourn: and the ſaid Sir *John Finch* the Speaker, endeavoured to get out of the Chair according to the Kings Command, They *vi & armis manu forti & illicita*, aſſaulted, evil-intreated, and forcibly detained him in the Chair; and afterwards, he beimg out of the Chair, they aſſaulted him in the Houſe, and evil-intreated him, *& violenter manu forti & illicita* drew him to the Chair, and thruſt him into it: whereupon there was a great tumult and commotion in the Houſe, to the great terror of the Commons there aſſembled, againſt their Allegiance, *in maximum contemptum*, and to the diſheriſon of the King, his Crown and Dignity: for which, *&c.*

A B C

The Plea of Sir *John Elliot.*

To this Information the Defendants put in a Plea to the Juriſdiction of the Court: *Foraſmuch as theſe offences ſuppoſed to have been done in Parliament, they ought not to be publiſhed in this Court, or any other except in Parliament.* And the Attorney General moved the Court to over-rule the Plea as to the Juriſdiction of the Court; and this he ſaid, the Court might do, although he did not demur upon the Plea; But the Court would not over-rule the Plea; but gave a day to join in demurrer that Term. And on the firſt day of the next Term, the Record to be read; and within a day after argued at the Bar.

D E

In *Hillary Term* following, the Caſe of *Walter Long* Eſquire, one of the impriſoned Gentlemen, came to hearing in the Star-Chamber which was as followeth.

F

Mr. *Walter Long's* Caſe in Star-chamber.

An Information was exhibited into the Star-chamber, by Sir *Robert Heath* Knight, his Majeſties Attorney-General, Plaintiff, againſt the ſaid *Walter Long* Defendant, for a great and preſumptuous contempt againſt his Majeſty, for breach of Duty and truſt of his Office, and for manifeſt and willful breach of his Oath taken as High Sheriff

5 *Caroli.*

Sheriff of the County of *Wilts*, and not reſiding and dwelling in his own perſon in the ſaid County, according to the ſaid Oath; but being choſen one of the Citizens for the City of *Bath*, in the County of *Somerſet*, to ſerve for the ſaid City in the laſt Parliament, by colour thereof he remained at *London* or *Weſtminſter* during the time of that Parliament by the ſpace of three months and above, in neglect of his duty, and in manifeſt contempt of the Laws of this Kingdom: which cauſe
A was now, by his Majeſties ſaid Attorney-General, brought to hearing upon the Defendants own confeſſion. And upon opening the Anſwer, and reading the Examination of the ſaid Defendant, it appeared to this Court, *That the ſaid Defendant* Long *was by his now Majeſty made High Sheriff of the County of* Wilts *in or about* November, *in the third year of his Majeſties Reign, and received his Patent of Sheriffwick for the ſaid County about ten days after; and that he took an Oath before one of the Maſters of the Chancery, for the due execution of the ſaid Office of Sheriff of the ſaid County.*
B In which Oath, as appear'd by the ſame there read in Court, he did ſwear, That he would in his own perſon remain within his Bayliffwick during all the time of his Sheriffwick, unleſs he had the Kings licenſe to the contrary; and that at an Election of Citizens for the ſaid City of *Bath*, the ſaid Defendant *Long* was choſen one of the Citizens to ſerve for the ſaid City of *Bath* in the Parliament then ſummoned, to be holden and commence upon the 17 day of *March* in the ſaid third year of his Majeſties Reign; and being ſo choſen, and returned by the Sheriff of the
C County of *Somerſet*, notwithſtanding his ſaid Oath taken to remain in his proper perſon, within his Bayliffwick, unleſs he were licenſed by his Majeſty, he the ſaid Defendant did make his perſonal appearance in the Commons Houſe of Parliament, at the City of *Weſtminſter*, in the County of *Middleſex*, and did, during the moſt part of the ſaid Parliament, continue in and about the City of *London* and *Weſtminſter*, and did attend in the Parliament as a Citizen for the ſaid City of *Bath*: during all which time he likewiſe was and continued High Sheriff for the ſaid County of
D *Wilts*, and had no particular licenſe from his Majeſty to the contrary. Upon conſideration whereof, as alſo of the particular cauſes and reaſons of the Defendants Demurrer and Plea formerly exhibited unto the ſaid Information, the benefit whereof was by Order of the Court reſerved unto the Defendant to be debated and conſidered of at the hearing of this cauſe, and of divers other matters now urged for the Defendant, both to have juſtified his the ſaid Defendants attendance in Parliament, and his not reſidence in perſon in the County whereof
E he was then Sheriff; and amongſt other things that it properly belonged to the Houſe of Parliament to judge of the juſtneſs or unjuſtneſs of the ſaid Election; and upon grave and mature conſideration thereof had and taken by the Court, their Lordſhips did not only conceive the ſaid Demurrer and Plea, and other the Argumeuts and Reaſons uſed by the Defendant and his Council to be of no weight or ſtrength, but alſo to be in oppoſition and derogation of the Juriſdiction of the Court; the reaſons moved and urged for the Defendants ex-
F cuſe or juſtification being clearly anſwered, and the charges of the Information made good by Mr. *Attorney-General*, and others of his Majeſties Counſel learned. And therefore the whole Court were clear of opinion, and did ſo declare, "That the ſaid Defendant, who at that "time, as High Sheriff, had the cuſtody and charge of the County of "*Wilts* committed unto him by his Majeſty, and had taken his Oath

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'according to the Law to abide in his proper perſon within his Bayliff-
'wick during all the time of his Sheriffwick as aforeſaid, and whoſe
'truſt and imployment did require his perſonal attendance in the ſaid
'County, had not only committed a great offence in violating the ſaid
'Oath ſo by him taken, but alſo a great miſdemeanor in breach of the
'truſt committed unto him by his Majeſty, and in contempt of his Maje-
'ſties pleaſure ſignified unto him by and under his Highneſs Great Seal, A
'when he granted unto him the ſaid Office of Sheriffwick aforeſaid. For
which ſaid ſeveral great offences in breach of his ſaid Oath, neglect of
the truſt and duty of his Office, and the great and high contempt of his
Majeſty, their Lordſhips did hold the ſame Defendant worthy the Sen-
tence of the Court; the rather, to the end that by this example the She-
riffs of all other Counties may be deterr'd from committing the like of-
fences hereafter, and may take notice, that their perſonal reſidence and
attendance is required within their Bayliffwicks during the time of their
Sheriffwick. The Court therefore thought fit, ordered, adjudged, and B
decreed, That the ſaid Defendant ſhould ſtand and be committed to the
Priſon of the Tower, there to remain during his Majeſties pleaſure,
and alſo pay a fine of two thouſand Marks to his Majeſties uſe; and fur-
ther, make his humble ſubmiſſion and acknowledgment of his offence
both in the Court of *Star-chamber*, and to his Majeſty, before his thence
enlargement.

Arguments concerning Sir *John Elliot*.

The ſame Term Mr. *Maſon* argued in the *Kings Bench* for Sir *John* C
Elliot againſt the Information preferred againſt him (amongſt others)
by Sir *Robert Heath*, the Kings Atttorney-General; and the ſame day the
Attorney-General argued in maintenance of the ſaid Information: The
Judges alſo the ſame day ſpake briefly to the Caſe, and agreed with one
voice, *That the Court, as this caſe is, ſhall have Juriſdiction, although that
theſe offences were committed in Parliament, and that the impriſoned Mem-
bers ought to anſwer.*

D

Jones began and ſaid, 'That though this Queſtion be now newly
'moved, yet it is an ancient Queſtion with him; for it had been in his
'thoughts theſe eighteen years. For this Information there are three
'Queſtions in it:

1. *Whether the matters informed be true or falſe: and this ought to be de-
termined by Jury or Demurrer.*
2. *When the matters of the Information are found or confeſſed to be true, if* E
the Information be good in ſubſtance.
3. *Admit that the offences are truly charged, if this Court hath power to
puniſh them: And that is the ſole Queſtion of this day.*

'And it ſeems to me, that of theſe offences, although committed in
'Parliament, this Court ſhall have Juriſdiction to puniſh them. The
'Plea of the Defendants here to the Juriſdiction being concluded with
'a Demurrer, is not peremptory unto them, although it be adjudged F
'againſt them; but if the Plea be pleaded to the Juriſdiction, which is
'found againſt the Defendant by Verdict, this is peremptory.

In

5 *Caroli.*

" In the diſcuſſion of this point, I decline theſe Queſtions.

1. *If the matter be voted in Parliament, when it is finiſhed, it can be puniſhed and examined in another Court.*

2. *If the matter be commenced in Parliament, and that ended, if afterward it may be queſtioned in another Court.*

I queſtion not theſe matters, but I hold, That an offence committed
A criminally in Parliament, may be queſtioned elſewhere, as in this Court; and that for theſe Reaſons:

Firſt, Quia intereſt Reipublicæ ut maleficia non maneant impunita: *and there ought to be a freſh puniſhment of them. Parliaments are called at the Kings pleaſure, and the King is not compellable to call his Parliament; and if before the next Parliament, the party offending, or the Witneſſes die, then there will be a failer of Juſtice.*

B Secondly, *The Parliament is no conſtant Court; every Parliament moſtly conſiſts of ſeveral men, and by conſequence, they cannot take notice of matters done in the foregoing Parliament; and there they do not examine by Oath, unleſs it be in* Chancery, *as it is uſed of late time.*

Thirdly, *The Parliament cannot ſend Proceſs to make the offenders to appear at the next Parliament; and being at large, if they hear a noiſe of a Parliament, they will* fugam facere, *and ſo prevent their puniſhment.*

Fourthly, *Put the caſe that one of the Defendants be made a Baron of*
C *Parliament, now he cannot be puniſhed in the Houſe of Commons, and ſo he ſhall be unpuniſhed.*

It hath been objected, *That the Parliament is the Superiour Court to this, therefore this Court cannot examine their proceedings.*

To this I ſay, That this Court of the *Kings Bench* is a higher Court than the Juſtices of Oyer and Terminer, or the Juſtices of Aſſiſe: But if an offence be done where the *Kings Bench* is, after it is removed, this
D offence may be examined by the Juſtices of Oyer and Terminer, or by the Juſtices of Aſſize. We cannot queſtion the judgments of Parliaments, but their particular offences.

2. *Object. It is a Priviledge of Parliament, whereof we are not competent Judges.*

E *To this I ſay*, That *privilegium eſt privata Lex & privat legem.* And this ought to be by grant preſcription in Parliament, and then it ought to be pleaded for the manner, as in 33 *H.*8. *Dy.* as it is not here pleaded. Alſo we are Judges of all Acts of Parliament: as 4 *H.*7. Ordinance made by the King and Commons is not good, and we are Judges what ſhall be ſaid a Seſſion of Parliament, as it is *Plowden* in *Partridges* Caſe. We are Judges of their Lives and Lands, therefore of their Liberties. And 8 *Eliz.* (which was cited by Mr. Attorney) it was the opinion of *Dyer*, *Catlyn*,
F *Welſh*, *Brown*, and *Southcot*, Juſtices, That offences committed in Parliament may be puniſhed out of Parliament. And 3 *Ed.*5.19. it is good Law. And it is uſual near the end of Parliaments to ſet down ſome petty puniſhment upon offenders in Parliament, to prevent other Courts. And I have ſeen a Roll in this Court, in 6 *H.* 6. where Judgment was given in a Writ of Annuity in *Ireland*, and afterward the ſaid Judgment was

An. 1629. reverſed in Parliament in *Ireland*; upon which Judgment, Writ of Error was brought in this Court, and reverſed.

Lord Chief Juſtice *Hide.*

Hide Chief Juſtice, to the ſame intent: "No new matter hath been "offered to us now by them that argue for the Defendants, but the "ſame Reaſons and Authorities in ſubſtance, which were objected be- "fore all the Juſtices of *England*, and Barons of the *Exchequer*, at *Ser-* "*jeants-Inn* in *Fleet-ſtreet*, upon an Information in the *Star-chamber* for "the ſame matter. At which time, after great deliberation, it was re- "ſolved by all of them, *That no offence committed in Parliament, that be-* "*ing ended, may be puniſhed out of Parliament.* And no Court more apt "for that purpoſe than this Court in which we are: and it cannot be "puniſhed in a future Parliament, becauſe it cannot take notice of mat- "ters done in a fore-going Parliament. A

"As to that that was ſaid, That an Inferiour Court cannot meddle "with matters done in a Superiour; True it is, that an Inferiour "Court cannot meddle with Judgments of a Superiour Court; but if "particular Members of a Superiour Court offend, they are oft- "times puniſhable in an Inferiour Court: As, if a Judge ſhall commit a "capital offence in this Court, he may be arraigned thereof at *New-* "*gate.* 3 *E.*3.19. and 1 *Mar.* which have been cited, over-rule this Caſe. "Therefore, B

C

Juſtice *Whitlock.*

Whitlock accordingly:

1. *I ſay in this Caſe*, Nihil dictum quod non dictum prius.
2. *That all the Judges of* England *have reſolved this very point.*
3. *That now we are but upon the brink and skirts of the Cauſe: for it is not now in queſtion if theſe be offences or no; or, if true or falſe; but only if this Court have Juriſdiction.* D

But it hath been objected, *That the offence is not capital, therefore it is not examinable in this Court.*

But though it be not capital, yet it is criminal, for it is ſowing of Sedition to the deſtruction of the Common-wealth. The Queſtion now is not between us that are Judges of this Court, and the Parliament, or between the King and the Parliament; but between ſome private Members of the Houſe of Commons and the King himſelf: for here the King himſelf queſtions them for thoſe offences, as well he may. In every Common-wealth there is one Supereminent Power, which is not Subject to be queſtioned by any other; and that is the King in this Common-wealth; who, as *Bracton* ſaith, *Solum Deum habet ultorem.* But no other within the Realm hath this Priviledge. It is true, that that which is done in Parliament by conſent of all the Houſe, ſhall not be queſtioned elſewhere; but if any private Members, *exeunt perſonas judicum, & induunt malefacientium perſonas, & ſunt ſeditioſi*, Is there ſuch Sanctimony in the place, that they may not be queſtioned for it elſewhere? The Biſhop of *Roſs*, as the Caſe hath been put, being Ambaſſador here, practiſed matters againſt the State: And it was reſolved, That although *Legatus ſit Rex in alieno ſolo*, yet when he goes out of the bounds E F

of

5 *Caroli.*

of his Office, and complots with Traitors in this Kingdom, that he ſhall be puniſhed as an offender here. A Miniſter hath a great priviledge when he is in the Pulpit; but yet, if in the Pulpit he utter ſpeeches which are ſcandalous to the State, he is puniſhable. So in this Caſe, when a Burgeſs of Parliament becomes mutinous, he ſhall not have the Priviledge of Parliament. In my opinion, the Realm cannot conſiſt, without Parliaments, but the behaviour of Parliament-men ought to be Parliamentary. No outrageous ſpeeches were ever uſed againſt a great Miniſter of State in Parliament, which have not been puniſhed. If a Judge of this Court utter ſcandalous ſpeeches to the State, he may be queſtioned for them before Commiſſioners of Oyer and Terminer, becauſe this is no Judicial act of the Court.

A

But it hath been objected:

B *That we cannot examine Acts done by a higher Power.*

To this I put this Caſe: When a Peer of the Realm is arraigned of Treaſon, we are not his Judges, but the High Steward, and he ſhall be tried by his Peers: But if errour be committed in this proceeding, that ſhall be reverſed by Errour in this Court: for that which we do is *Coram ipſo Rege.*

C It hath been objected:

That the Parliament-Law differs from the Law by which we judge in this Court in ſundry Caſes. And for the inſtance which hath been made, *That by the Statute, none ought to be choſen Burgeſs of a Town in which he doth not inhabit, but that the uſage of Parliament is contrary.* But if Information be brought upon the ſaid Statute againſt ſuch a Burgeſs, I think that the Statute is a good warrant for us to give judgment againſt him.

D

And it hath been objected:

That there is no preſident in this matter.

But there are ſundry Preſidents, by which it appears, that the Parliament hath tranſmitted matters to this Court; as 2 *R.* 2. there being a queſtion between a great Peer and a Biſhop, it was tranſmitted to this Court, being for matter of behaviour, and although the Judges of this Court are but inferiour men, yet the Court is higher: for it appears by the 11 *Eliz. Dy.* That the Earl Marſhal of *England* is an Officer of this Court; and it is always admitted in Parliament, That the Priviledges of Parliament hold not in three Caſes, to wit, *Firſt, in caſe of Treaſon. Secondly, in caſe of Felony. And thirdly, in ſuit for the Peace.* And the laſt is our very Caſe. Therefore, *&c.*

E

F

An. 1629.

Crook argued to the ſame intent (but I did not well hear him) he ſaid, *That theſe offences ought to be puniſhed in the Court, or no where; and all manner of offences which are againſt the Crown, are examinable in this Court.*

It hath been objected:

That by this means, none will adventure to make his complaints in Parliament. A

That is not ſo, for he may complain in a Parliamentary courſe, but not falſly and unlawfully, as here is pretended; for that which is unlawfully, cannot be in a Parliamentary courſe.

It hath been objected: B

That the Parliament is a higher Court than this.

And it is true: But every Member of Parliament is not a Court; and if he commit offence, he is puniſhable here. Our Court is a Court of high Juriſdiction, it cannot take cognizance of real Pleas; but if a real Plea comes by Error in this Court, it ſhall never be tranſmitted. But this Court may award a *Grand Cape*, and other Proceſs uſual in real Actions: But of all capital and criminal Cauſes, we are originally competent Judges, and by conſequence of this matter. But I am not of the opinion of Mr. Attorney-General, that the word *proditorie* would have made this Treaſon. And for the other matters, he agreed with the Judges. Therefore by the Court, the Defendants were ruled to plead further: and Mr. *Lenthal* of *Lincolns-Inn* was aſſigned of Counſel for them. C

Judgement.

Inaſmuch as the Defendants would not put in other Plea, the laſt day of the Term, Judgment was given againſt them upon a *Nihil dicit*; which Judgment was pronounced by *Jones* to this effect: D

Judgment pronounced.

" The matter of the Information now, by the confeſſion of the De-
" fendants, is admitted to be true, and we think their Plea to the Juriſ-
" diction inſufficient for the matter and manner of it. And we hereby
" will not draw the true Liberties of Parliament-men into Queſtion; to-
" wit, for ſuch matters which they do or ſpeak in Parliamentary man-
" ner. But in this caſe there was a conſpiracy between the Defendants
" to ſlander the State, and to raiſe ſedition and diſcord between the King, E
" his Peers and People; and this was not a Parliamentary courſe. All
" the Judges of *England*, except one, have reſolved the Statute of 4 *H.*8.
" to be a private Act, and to extend to *Strood* only. But every Member
" of the Parliament ſhall have ſuch Priviledges as are there mentioned;
" but they have no Priviledge to ſpeak at their pleaſure. The Parlia-
" ment is an high Court, therefore it ought not to be diſorderly, but
" ought to give good example to other Courts. If a Judge of our Court
" ſhall rail upon the State or Clergy, he is puniſhable for it. A Member F
" of the Parliament may charge any great Officer of the State with any
" particular offence; but this was a malevolous accuſation in the
" generality of all the Officers of State, therefore the matter contain-
" ed within the Information is a great offence, and puniſhable in this
"Court.

" 2. For

5 *Caroli.*

'2. For the puniſhment, although the offence be great, yet that ſhall 'be with a light hand, and ſhall be in this manner.

1. *That every of the Defendants ſhall be impriſoned during the Kings pleaſure: Sir* John Elliot *to be impriſoned in the Tower of* London, *and the other Defendants in other Priſons.*

2. *That none of them ſhall be delivered out of Priſon until he give ſecurity in this Court for his good behaviour, and have made ſubmiſſion and acknowledgment of his offence.*

3. *Sir* John Elliot, *inaſmuch as we think him the greateſt offender, and the Ringleader, ſhall pay to the King a Fine of* 2000 l. *and Mr.* Holles, *a Fine of* 1000 Marks: *and Mr.* Valentine, *becauſe he is of leſs ability than the reſt, ſhall pay a Fine of* 500 l. And to all this, all the other Juſtices with one voice accorded.

APPEN-

APPENDIX.

His Majeſties Declaration to all His loving Subjects, of the Cauſes which moved him to diſſolve the laſt Parliament, March 10. 1628.

A

HOwſoever Princes are not bound to give account of their Actions but to God alone; yet for the ſatisfaction of the minds and affections of Our loving Subjects, We have thought good to ſet down thus much by way of Declaration, that We may appear to the world in the truth and ſincerity of Our Actions, and not in thoſe Colours, in which We know ſome turbulent and ill-affected ſpirits (to

B maſque and diſguiſe their wicked intentions, dangerous to the State) would repreſent us to the publick view.

The Kings Declaration of the cauſes which moved him to diſſolve the laſt Parliament.

We aſſembled Our Parliament the 17*th.* day of *March*, in the third year of Our Reign, for the ſafety of Religion, for ſecuring Our Kingdoms and Subjects at home, and Our Friends and Allies abroad. And therefore at the firſt ſitting down of it, We declared the miſerable afflicted eſtate of thoſe of the Reformed Religion in *Germany*, *France*, and other parts of Chriſtendom; the diſtreſſed extremities of Our deareſt

C Uncle, the King of *Denmark*, chaſed out of great part of his Dominions; the ſtrength of that Party which was united againſt Us; That (beſides the Pope and the Houſe of *Auſtria*, and their antient confederates) the French King profeſſed the rooting out of the Proteſtant Religion; That, of the Princes and States on Our party, ſome were overrun, others diverted, and ſome diſabled to give aſſiſtance. For which and other important Motives, We propounded a ſpeedy ſupply of Treaſure, anſwerable to the neceſſity of the Cauſe.

D Theſe things in the beginning were well reſented by the Houſe of Commons, and with much alacrity and readineſs, that they agreed to grant a liberal aid: But before it was brought to any perfection, they were diverted by a multitude of Queſtions, raiſed amongſt them, touching their Liberties and Priviledges, and by other long diſputes, that the Bill did not paſs in a long time; and by that delay, Our affairs were put into a far worſe caſe than at the firſt; Our Forreign actions then in hand being thereby diſgraced and ruined, for want of timely help.

E In this, as We are not willing to derogate from the merit and good intentions of thoſe wiſe and moderate men of that Houſe, (to whoſe forwardneſs We attribute it, that it was Propounded and Reſolved ſo ſoon) ſo We muſt needs ſay, that the delay of paſſing it when it was reſolved, occaſioned by cauſleſs jealouſies, ſtirred up by men of another temper, did much leſſen both the reputation and reality of that Supply. And their ſpirit, infuſed into many of the Commiſſioners and Aſſeſſors in the Countrey, hath returned up the Subſidies in ſuch

F a ſcanty proportion, as is infinitely ſhort, not only of Our great occaſions, but of the preſidents of former Subſidies, and of the intentions of all well affected men in that Houſe.

In thoſe large Diſputes, as We permitted many of Our high Prerogatives to be debated, which in the beſt times of Our Predeceſſors had never been queſtioned, without puniſhment or ſharp reproof; ſo We

did endeavour to have ſhortned thoſe debates, for winning of time, which would have much advantaged Our great affairs, both at home and abroad. And therefore both by ſpeeches and meſſages, We did often declare Our gracious and clear reſolution, to maintain, not only the Parliament, but all Our People, in their ancient and juſt Liberties, without either violation or diminution; and in the end, for their full ſatisfaction and ſecurity, did by an Anſwer, framed in the form by themſelves deſired, to their Parliamentary Petition, confirm their ancient and juſt Liberties and Rights, which We reſolve, with all conſtancy and juſtice, to maintain. A

This Parliament, howſoever beſides the ſetling our neceſſary ſupply, and their own liberties, they waſted much time in ſuch proceedings, (blaſting our Government, as We are unwilling to remember) yet We ſuffered them to ſit, until themſelves deſired Us to appoint a time for their Receſs, not naming either Adjournment or Prorogation. B

Whereupon by advice of Our Council, We reſolved to Prorogue and make a Seſſion; and to that end prefixed a day, by which they might (as was meet in ſo long a Sitting) finiſh ſome profitable and good Laws; and withal gave order for a gracious Pardon to all Our Subjects: which according to the uſe of Former Parliaments, paſſed the Higher Houſe, and was ſent down to the Commons. All which being graciouſly intended by Us, was ill entertained by ſome diſaffected perſons of that Houſe, who by their artifices, in a ſhort time raiſed ſo much heat and diſtemper in the Houſe, for no other viſible cauſe, but becauſe We had declared Our reſolution to Prorogue as Our Council adviſed, and not to Adjourn, as ſome of that Houſe (after Our reſolution declared, and not before) did manifeſt themſelves to affect; that ſeldom hath greater paſſion been ſeen in that Houſe, upon the greateſt occaſions. And ſome glances in the Houſe, but upon open rumors abroad, were ſpread, That by the Anſwer to the Petition, We had given away, not only Our Impoſitions upon Goods, exported and imported, but the Tunnage and Poundage, (whereas in the debate and hammering of that Petition, there was no ſpeech or mention in either Houſe concerning thoſe Impoſitions, but concerning Taxes and other charges within the Land; much leſs was there any thought thereby to debate Us of Tunnage ad Poundage, which, both before and after the Anſwer to that Petition, the Houſe of Commons, in all their Speeches and Treaties, did profeſs they were willing to grant.) And at the ſame time, many other miſinterpretations were raiſed of that Petition and Anſwer, by men, not well diſtinguiſhing between well ordered liberty, and licenſiouſneſs; as if by Our Anſwer to that Petition, We had let looſe the Reyns of Our Government. And in this diſtemper, the Houſe of Commons, laying aſide the Pardon, (a thing never done in any former Parliament) and other buſineſs fit to have been concluded in that Seſſion, ſome of them went about to frame and contrive a Remonſtrance againſt Our receiving of Tunnage and Poundage which was ſo far proceeded in, the night before the prefixed time for concluding the Seſſion, and ſo haſtened by the contrivers thereof, that they meant to have put it to the Vote of the Houſe the next morning, before We ſhould prorogue the Seſſion. And therefore finding Our gracious favours in the Seſſion, afforded to Our People, ſo ill requited, and ſuch ſiniſter ſtrains made upon Our Anſwer C D E F

to

to that Petition, to the diminution of Our profit, and (which was more) to the danger of Our Goverment: We reſolved to prevent the finiſhing of that Remonſtrance, and other dangerous intentions of ſome ill-affected perſons, by ending the Seſſion the next morning, ſome few hours ſooner than was expected; and by Our Own Mouth to declare to both Houſes the cauſe thereof; and for hindring the ſpreading of thoſe ſiniſter interpretations of that Petition and Anſwer, to give ſome neceſſary directions, for ſetling and quieting Our A Government, until another Meeting; which We performed accordingly the Six and twentieth of *June* laſt.

The Seſſion thus ended, and the Parliament riſen, that intended Remonſtrance gave Us occaſion to look into the buſineſs of Tunnage and Poundage. And therefore, though Our neceſſities pleaded ſtrongly for Us, yet We were not apt to ſtrain that point too far, but reſolved to guide Our Self by the practice of former Ages, and examples B of Our moſt noble Predeceſſors; thinking thoſe counſels beſt warranted, which the wiſdom of former Ages, concurring with the preſent occaſions, did approve; and therefore gave order for a diligent ſearch of Records: upon which it was found, That although in the Parliament holden in the firſt year of the Reign of King *Edward* the Fourth, the Subſidy of Tunnage and Poundage was not granted unto that King, but was firſt granted unto him by Parliament in the third year of his Reign; yet the ſame was accounted and anſwered to that King, from the firſt day of his Reign, all the firſt and ſecond years of his C Reign, and, until it was granted by Parliament. And that in the ſucceeding times of King *Richard* the Third, King *Henry* the Seventh, King *Henry* the Eighth, King *Edward* the Sixth, Queen *Mary*, and Queen *Elizabeth*, the Subſidy of Tunnage and Poundage was not only enjoyed by every of thoſe Kings and Queens, from the death of each of them deceaſing, untill it was gaanted by Parliament unto the Succeſſor; but in all thoſe times, (being for the moſt part peaceable, and not burdened with like charges and neceſſities, as theſe modern times) D the Parliament did moſt readily and chearfully, in the beginning of every of thoſe Reigns, grant the ſame, as a thing moſt neceſſary for the guarding of the Seas, ſafety and defence of the Realm, and ſupportation of the Royal Dignity. And in the time of Our Royal Father of bleſſed memory, he enjoyed the ſame a full year, wanting very few days, before his Parliament began; and above a year before the Act of Parliament for the grant of it was paſſed. And yet when the Parliament was aſſembled, it was granted without difficulty. And in Our E Own time, We quietly received the ſame three years and more, expecting with patience, in ſeveral Parliaments, the like grant thereof, as had been made to ſo many of Our Predeceſſors; the Houſe of Commons ſtill profeſſing, That multitude of other buſineſſes, and not want of willingneſs on their part, had cauſed the ſetling thereof to be ſo long deferred. And therefore finding ſo much reaſon and neceſſity, for the receiving of the ordinary Duties in the Cuſtom-houſe, to concour with the practice of ſuch a Succeſſion of Kings and Queen, famous F for Wiſdom, Juſtice, and Government; and nothing to the contrary, but that intended Remonſtrance, hatched out of the paſſionate brains of a few particular perſons; We thought it was ſo far from the wiſdom and duty of a Houſe of Parliament, as we could not think, that any moderate and diſcreet man, (upon compoſed thoughts, ſetting aſide

paſſion and diſtemper) could be againſt receiving of Tunnage and Poundage; eſpecially ſince We do, and ſtill muſt, purſue thoſe ends; and undergo that charge, for which it was firſt granted to the Crown, It having been ſo long and conſtantly continued to our Predeceſſors, as that in four ſeveral Acts of Parliament for the granting thereof to King *Edward* the Sixth, Queen *Mary*, Queen *Elizabeth*, and Our Bleſſed *Father*. It is in expreſs terms mentioned, to have been had and enjoyed by the ſeveral Kings, named in thoſe Acts, time out of mind, by authority of Parliament. And therefore upon theſe reaſons, We held it agreeable to Our Kingly Honour, and neceſſary for the ſafety and Good of Our Kingdom, to continue the Receipt thereof, as ſo many of Our Predeceſſors had done. Wherefore when a few Merchants (being at firſt but one or two) fomented, as it is well known, by thoſe evil ſpirits, that would have hatched that undutiful Remonſtrance, began to oppoſe the payment of Our accuſtomed Duties in the Cuſtom houſe. We gave order to the Officers of Our Cuſtoms to go on, notwithſtanding that oppoſition, in the receiving of the uſual Duties; and cauſed thoſe, that refuſed, to be warned to attend at the Council-board, that by the wiſdom and authority of Our Council, they might be reduced to obedience and duty; where ſome of them, without reverence or reſpect to the honour and dignity of that Preſence, behaved themſelves with ſuch boldneſs and inſolency of ſpeech, as was not to be endured by a far meaner Aſſembly, much leſs to be countenanced by a Houſe of Parliament, againſt the Body of Our Privy Council.

A B C

And as in this We did, what in reaſon and honour was fit for the preſent, ſo Our Thoughts were daily intentive upon the re-aſſembling of Our Parliament, with full intention, on Our part, to take away all ill-underſtanding between Us and Our People; whoſe loves, as We deſire to continue and preſerve, ſo We uſed Our beſt indeavours to prepare and facilitate the way to it. And to this end, having taken a ſtrict and exact ſurvey of Our Government, both in the Chuch and Common-wealth, and what things were moſt fit, and neceſſary to be reformed: We found, in the firſt place, that much exception had been taken at a Book, entituled, *Appello Cæſarem*, or, *An Appeal to Cæſar*; and publiſhed in the year 1625. by *Richard Montague*, then Batchelor of Divinity, and now Biſhop of *Chicheſter*; and becauſe it did open the way to thoſe Schiſms and Diviſions, which have ſince enſued in the Church, We did, for remedy and redreſs thereof, and for the ſatisfaction of the Conſciences of Our good people, not only by Our publick Proclamation, call in that Book, which miniſtred matter of offence; but to prevent the like danger for hereafter, re-printed the Articles of Religion, eſtabliſhed in the time of Queen *Eelizabeth* of famous memory; and by a declaration before thoſe Articles, We did tie and reſtrain all Opinions to the ſenſe of thoſe Articles, that nothing might be left for private fancies and invocations. For, We call God to record, before whom we ſtand, that it is, and always hath been, Our hearts deſire, to be found worthy of that Title, which we account the moſt glorious in all Our Crown, *Defender of the Faith*. Neither ſhall We ever give way to the authoriſing of any thing, whereby any *Innovation* may ſteal or creep into the Church; but to preſerve that unity of Doctrine and Diſcipline, eſtabliſhed in the time of Queen *Elizabeth*, whereby the Church of *England* hath ſtood and flouriſhed ever ſince.

D E F

And

And as We were careful to make up all breaches and rents in Religion at home, ſo did We, by Our Proclamation and Commandment, for the execution of Laws againſt Prieſts, and Popiſh Recuſants, fortifie all ways and approaches againſt that forreign Enemy; which if it have not ſucceeded according to Our intention, We muſt lay the fault where it is, in the ſubordinate Officers, and Miniſters in the Countrey, by whoſe remiſneſs Jeſuits and Prieſts eſcape without apA prehenſion; and Recuſants, from thoſe convictions and penalties, which the Law and Our Commandment would have inflicted on them. For We do profeſs, That as it is Our duty, ſo it ſhall be Our care to command and direct well; but it is the part of others to perform the miniſterial Office. And when We have done Our Office, We ſhall account Our ſelf, and all charitable men will account Us innocent, both to God and Men. And thoſe that are negligent, We will eſteem as culpable both to God and Us; and therefore will expect, B that hereafter they give Us a better account.

And, as We have been careful for the ſetling of Religion, and quieting the Church; ſo were We not unmindful of the preſervation of the juſt and antient Liberties of Our Subjects, which We ſecured to them by Our gracious Anſwer to the Petition in Parliament, having not ſince that time done any act whereby to infringe them. But Our care is, and hereafter ſhall be, to keep them intire and inviolable, as We would do Our Own right and Sovereignty, having for that purC poſe enrolled the Petition and Anſwer in Our Courts of Juſtice.

Next to the care of Religion, and of Our Subjects Rights, We did Our beſt for the provident and well-ordering of that aid and ſupply, which was granted Us the laſt Seſſion, whereof no part hath been waſtefully ſpent, nor put to any other uſe, than thoſe for which it was deſired and granted; as, upon payment of Our Fleet and Army: wherein Our care hath been ſuch, as We choſe rather to diſcontent Our deareſt Friends and Allies, and Our neareſt Servants, than to leave D Our Souldiers and Mariners unſatisfied, whereby any vexation or diſquiet might ariſe to Our People. We have alſo, with part of thoſe Monies, begun to ſupply Our Magazines, and Stories of Munition, and to put Our Navy into a conſtant form and order. Our Fleet likewiſe is fitting, and almoſt in a readineſs, whereby the Narrow Seas may be guarded, Commerce maintained, and Our Kingdom ſecured from all Forreign attempts. Theſe acts of Ours might have made this impreſſion in all good minds, that We were careful to direct Our CounE ſels, and diſpoſe Our Actions, as might moſt conduce to the maintenance of Religion, honour of Our Government, and ſafety of Our People. But with miſchievous men once ill-affected, *ſeu bene, ſue male facta premunt*; and whatſoever once ſeemed amiſs, is ever remembred; but good endeavours are never regarded.

Now all theſe things that were the chief complaints the laſt Seſſion, being by Our Principal care ſo ſeriouſly reform, the Parliament reaſſembled the 20*th.* of *January* laſt. We expected, according to the F candour and ſincerity of Our own thoughts, that men would have framed themſelves for the effecting of a right underſtanding between Us and Our People. But ſome few malevolent perſons, like Empericks and lewd Artiſts, did ſtrive to make new work, and to have ſome Diſeaſe on foot, to keep themſelves in requeſt, and to be employed and entertained in the cure. And yet to manifeſt how much offences have been

been diminiſhed, The Committees for Grievances, Committees for Courts of Juſtice, and Committees for Trade, have, ſince the ſitting down of the Parliament received few complaints, and thoſe ſuch, as they themſelves have not thought to be of that moment or importance, with which our ears ſhould be acquainted.

No ſooner therefore was the Parliament ſet down, but theſe ill-affected men began to ſow and diſperſe their jealouſies, by caſting out ſome glances and doubtful ſpeeches, as if the Subject had not been ſo A clearly and well dealt with, touching their liberties, and touching the Petition anſwered the laſt Parliament. This being a plauſible Theam, thought on for an ill purpoſe, eaſily took hold on the minds of many, that knew not the practice. And thereupon the ſecond day of the Parliament, a Committee was appointed to ſearch, whether the Petition and Our Anſwer thereunto were enrolled in the Parliament-Roll, and in the Courts at *Weſtminſter*, and in what manner the ſame was done. And a day alſo was then appointed, on which, the Houſe being reſol- B ved into a Committee, ſhould take into conſideration thoſe things, wherein the Liberty of the Subject had been invaded, againſt the Petition of Right. This, though it produced no other effect of moment or importance, yet was ſufficient to raiſe a jealouſie againſt Our Proceedings, in ſuch as were not well acquainted with the ſincerity and clearneſs of them. There followed another of no leſs skill; for al- though Our Proceeding, before the Parliament, about matters of Religion, might have ſatisfied any moderate men, of Our zealous care C thereof, (as we are ſure it did the moſt) yet, as bad ſtomachs turn the beſt things into their own nature, for want of good digeſtion; ſo thoſe diſtemper'd perſons have done the like of Our good intents, by a bad and ſiniſter interpretation: For, when they did obſerve, that many honeſt and religious minds in that Houſe, did complain of thoſe dangers that did threaten the Church; they likewiſe took the ſame word in their mouth, and their cry likewiſe was, *Templum Domini*, *Templum Domini*, when the true care of the Church never came into D their hearts: and what the one did out of zeal unto Religion, the other took up as a plauſible Theam, to deprave Our Government, as if We, Our Clergy, and Council, were either ſenſleſs or careleſs of Religion. And this wicked practice hath been, to make us ſeem to walk before Our people, as if We halted before God.

Having, by theſe Artifices, made a jealous impreſſion in the hearts of many; and a day being appointed to treat of the Grant of Tunnage and Poundage, at the time prefixed, all expreſs great willingneſs to E grant it. But a new ſtrain is found out, that it could not be done, without great peril to the right of the Subject, unleſs we ſhould diſclaim any right therein, but by grant in Parliament; and ſhould cauſe all thoſe Goods to be reſtored, which, upon commandment from Us, or Our Council, were ſtayed by Our Officers, until thoſe Duties were paid, and conſequently ſhould put Our ſelves out of the poſſeſſion of the Tunnage and Poundage, before they were granted; for elſe, it was pretended, the Subject ſtood not in fit caſe to grant it. A fancy and cavil raiſed of F purpoſe to trouble the buſineſs; it being evident, that all the Kings before named did receive that Duty, and were in actual poſſeſſion of it, before, and at the very time, when it was granted to them by Parliament. And although We, to remove all difficulties, did from Our Own Mouth, in thoſe clear and open terms, that might have ſatisfied

fied any moderate and well-diſpoſed minds, declare, That it was Our meaning, by the gift of Our people, to enjoy it, and that We did not challenge it of right, but took it *de bene eſſe*, ſhewing thereby, not the right, but the neceſſity, by which We were to take it, (wherein We deſcended, for their ſatisfaction, ſo far beneath Our Self, as We are confident, never any of Our Predeceſſors did the like, nor was the like ever required or expected from Them.) Yet for all this, the Bill of Tunnage and Poundage was laid aſide, upon pretence, they muſt firſt clear the right of the Subject therein; under colour whereof, they entertain the complaints, not only of *John Rolles*, a Member of their Houſe, but alſo of *Richard Chambers*, *John Foukes*, and *Bartholomew Gilman*, againſt the Officers of Our Cuſtoms, for detaining their Goods, upon refuſal to pay the ordinary Duty, accuſtomed to be paid for the ſame. And upon theſe complaints, they ſend for the Officers of the Cuſtoms, enforcing them to attend, day after day, by the ſpace of a moneth together; they cauſe them to produce their Letters Patents under Our great Seal, and the Warrants made by Our Privy Council, for levying of thoſe Duties. They examine the Officers upon what queſtions they pleaſe, thereby to entrap them for doing Our ſervice and commandment. In theſe and other their proceedings, becauſe we would not give the leaſt ſhew of interruption, We endured long with much patience, both theſe, and ſundry other ſtrange and exorbitant incroachments and uſurpations, ſuch as were never before attempted in that Houſe.

We are not ignorant, how much that Houſe hath of late years endeavoured to extend their Priviledges, by ſetting up general Committees for Religion, for Courts of Juſtice, for Trade, and the like; a courſe never heard of until of late: So as, where in former times the Knights and Burgeſſes were wont to communicate to the Houſe, ſuch buſineſs as they brought from their Countries; now there are ſo many Chairs erected, to make inquiry upon all ſorts of men, where complaints of all ſorts are entertained, to the unſufferable diſturbance and ſcandal of Juſtice and Goverment, which having been tolerated a while by Our Father, and Our Self, hath daily grown to more and more height; inſomuch that young Lawyers ſitting there, take upon them to decry the opinions of the Judges; and ſome have not doubted to maintain, That the reſolutions of that Houſe muſt bind the Judges, a thing never heard of in Ages paſt. But, in this laſt Aſſembly of Parliament, they have taken on them much more then ever before.

They ſent meſſengers to examine Our Atturney General, (who is an Officer of truſt and ſecrecy) touching the execution of ſome Commandments of Ours, of which, without Our leave firſt obtained, he was not to give account to any but Our Self. They ſent a captious and directory meſſage to the Lord Treaſurer, Chancellor, and Barrons of the Exchequer, touching ſome judicial proceedings of theirs in Our Court of Exchequer.

They ſent Meſſengers to examine upon ſundry queſtions, Our two Chief Juſtices, and three other of Our Judges, touching their judicial proceeings at the Gaol-delivery at *Newgate*, of which, they are not accomptable to the Houſe of Commons.

And whereas Suits were commenced in Our Court of Star-chamber, againſt *Richard Chambers*, *John Fowks*, *Bartholomew Gilman*, and *Richard Phillips*, by Our Atturney General, for great miſdemeanours; they

they reſolved, that they were to have priviledge of Parliament againſt Us for their perſons, for no other cauſe, but becauſe they had Petitions depending in that Houſe; and (which is more ſtrange) they reſolved, that a Signification ſhould be made from that Houſe, by a Letter, to iſſue under the hand of their Speaker, unto the Lord Keeper of Our Great Seal, that no Attachments ſhould be granted out againſt the ſaid *Chambers*, *Fowks*, *Gilman*, or *Philips*, during the ſaid priviledge of Parliament. Whereas it is far above the power of that Houſe to give direction to any of Our Courts at *Weſtminſter*, to ſtop Attcchments againſt any man, though never ſo ſtrongly priviledged; the breach of Priviledge being not in the Court that grants, but in the Party or Miniſter that puts in execution ſuch Attachments. And therefore, if any ſuch Letter had come to the Lord Keeper, as it did not, he ſhould have highly offended Us if he had obeyed it. Nay, they went ſo far, as they ſpared not the Honour of Our Council-board, but examined their proceedings in the caſe of Our Cuſtomers, interrogating what this or that man of our Council ſaid, in direction of them in the buſineſs committed to their charge. And when one of the Members of that Houſe, ſpeaking of Our Counſellers, ſaid, We had wicked Counſel; and another ſaid, That the Council and Judges ſought to trample under feet the liberty of the Subject; and a third traduced Our Court of Star-chamber, for the Sentence given againſt *Savage*, they paſſed without check or cenſure by the Houſe. By which may appear, how far the Members of that Houſe have of late ſwollen beyond the rules of moderation, and the modeſty of former times; and this under pretence of priviledge and freedom of ſpeech, whereby they take liberty to declare againſt all Authority of Council and Courts at their pleaſure.

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C

They ſent for our Sheriff of *London* to examine him in a cauſe, whereof they had no juriſdiction; their true and ancient juriſdiction extending only to their own Members, and to the conſervation of their priviledges, and not to the cenſure of forreign perſons and cauſes, which have no relation to their priviledges, the ſame being but a late innovation. And yet upon an enforced ſtrain of a Contempt, for not anſwering to their ſatisfaction, they commit him to the Tower of *London*, uſing that outward pretext for a cauſe of committing him, the true and inward cauſe being, for that he had ſhewed himſelf dutiful to Os and Our commandments, in the matter concerning Our Cuſtoms.

D

In theſe Innovations (which We will never permit again) they pretend indeed Our ſervice; but their drift was, to break, by this means, through all reſpects and ligaments of Government, and to erect an univerſal over-ſwaying power to themſelves, which belongs only to Us, and not to them.

E

Laſtly, In their proceedings againſt Our Cuſtomers, they went about to cenſure them as Delinquents, and to puniſh them, for ſtaying ſome Goods of ſome factious Merchants, in Our Store-houſe, for not paying thoſe Duties which themſelves had formerly paid, and which the Cuſtomers, without interruption, had received of all other Merchants, many years before, and to which they were authoriſed, both by Our Great Seal, and by ſeveral directions and commandments from Us and Our Privy Council.

F

To give ſome colour to their proceedings herein, they went about

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to create a new Priviledge, (which We will never admit) That a Parliament-man hath priviledge for his goods againſt the King; the conſequence whereof would be, That he may not be conſtrained to pay any Duties to the King, during the time of Priviledge of Parliament. It is true, they would have this caſe to have been between the Merchants, and Our Farmers of Our Cuſtoms, and have ſevered them from Our intereſt and commandment, thereby the rather to make them A liable to the cenſure and puniſhment of that Houſe. But on the other ſide, We holding it both unjuſt and diſhonourable, to withdraw Our Self from Our Officers, in any thing they did by Our commandment, or to diſavow any thing that We had enjoyned to be done; upon *Munday* the 23 of *February*, ſent a Meſſage unto them by Secretary *Cook*, thanking them for the reſpect they had ſhewed, in ſevering the intereſt of Our Farmers from Our Own intereſt and commandment. Neverthleſs We were bound in honour to acknowledge a truth, that, B what was done by them, was done by Our expreſs commandment and direction; and if for doing thereof Our Farmers ſhould ſuffer, it would highly concern Us in honour. Which Meſſage was no ſooner delivered unto them, but in a tumultuous and diſcontented manner, they called, *Adjourn, Adjourn*; and thereupon, without any cauſe given on Our part, in a very unuſual manner, adjourned, until the *Wedneſday* following.

On which day by the uniform wiſdom of Our Privy Council, We C cauſed both Houſes to be adjourned until the ſecond day of *March*; hoping that in the mean time, a better and more right underſtanding might be begotten between Us, and the Members of that Houſe, whereby the Parliament might come to an happy iſſue.

But underſtanding by good advertiſement, that their diſcontent did not in that time digeſt, and paſs away; We reſolved to make a ſecond adjournment untill the tenth of *March*; which was done, as well to take time to Our Self, to think of ſome means to accommodate thoſe D difficulties, as to give them time to adviſe better; and accordingly, We gave commandment for a ſecond adjournment in both Houſes, and for ceſſation of all buſineſs till the day appointed; which was very dutifully obeyed in the Higher Houſe, no man contradicting or queſtioning it. But when the ſame commandment was delivered in the Houſe of Commons by their Speaker, it was ſtraightways contradicted; and although the Speaker declared unto them, it was an abſolute right and power in Us to adjourn, as well as to prorogue or diſſolve; and declaE red and read unto them divers Preſidents of that Houſe, to warrant the ſame; yet Our commandments was moſt contemptuouſly diſobeyed; and ſome riſing up to ſpeak, ſaid, They had buſineſs to do before the Houſe ſhould be adjourned. *

Whilſt the Duke of *Buckingham* lived, he was intituled to all the diſtempers and ill events of former Parliaments; and therefore much endeavour was uſed to demoliſh him, as the only wall of ſeparation between Us and Our People. But now he is dead, no alteration was F found amongſt thoſe envenomed ſpirits, which troubled then the bleſſed harmony between Us and Our Subjects, and continue ſtill to trouble it. For now under the pretence of publick care of the Commonwealth, they ſuggeſt new and cauſleſs fears, which in their own hearts they know to be falſe; and deviſe new Engines of miſchief, ſo to caſt a blindneſs upon the good affections of Our People, that they

* Here are the paſſages concerning the Members deportment in the Houſe, mentioned in this Declaration which we forbear to repeat, in regard the ſame are at large expreſſed in the Information in the *Star-Chamber*, beforementioned.

may not ſee the truth, ang largeneſs of Our heart toward them. So that now it is manifeſt, the Duke was not alone the mark theſe men ſhot at, but was only as a near Miniſter of Ours, taken up, on the By, and in their paſſage to their more ſecret deſigns; which were only to caſt Our affairs into a deſperate condition, to abate the powers of Our Crown, and to bring Our Government into obloquy; that, in the end, all things may be overwhelmed with Anarchy and confuſion.

We do not impute theſe diſaſters to the whole Houſe of Commons, knowing that there were amongſt them many Religious, grave, and well-minded men; but the ſincerer and better part of the Houſe was over-born, by the practices and clamours of the other, who, careleſs of their duties, and taking advantage of the times, and Our neceſſities, have enforced Us to break off this Meeting; which, had it been anſwered with like duty on their parts, as it was invited and begun with love on Ours, might have proved happy and glorious, both to Us and this whole Nation.

We have thus declared the manifold cauſes We had, to diſſolve this Parliament, whereby all the world may ſee, how much they have forgotten their former engagements at the entry into the War, themſelves being perſwaders to it; promiſing to make Us feared by Our enemies, and eſteemed by Our friends. And how they turned the neceſſities grown by that War, to enforce Us to yield to Conditions incompatible with Monarchy.

And now that Our People may diſcern, that theſe provocations of evil men (whoſe puniſhments We reſerve to a due time) have not changed Our good intentions to Our Subjects, We do here profeſs to maintain the true Religion and Doctrine, eſtabliſhed in the Church of *England*, without admitting or conniving at any back-ſliding, either to Popery or Schiſm. We do alſo declare, That We will maintain the antient and juſt Rights and Liberties of Our Subjects, with ſo much conſtancy and juſtice, that they ſhall have cauſe to acknowledge, That under Our government and gratious protection, they live in a more happy and free eſtate, than any Subjects in the Chriſtian world. Yet let no man hereby take the boldneſs to abuſe that liberty, turning it to licentiouſneſs; nor miſinterpret the Petition, by perverting it to a lawleſs liberty, wantonly or frowardly, under that or any other colour, to reſiſt lawful and neceſſary Authority. For as we will maintain Our Subjects in their juſt liberties, ſo We do and will expect, that they yield as much ſubmiſſion and duty to Our Royal Prerogatives, and as ready obedience to Our Authority and Commandments, as hath been performed to the greateſt of Our Predeceſſors.

And for Our Miniſters, We will not that they be terrified by thoſe harſh proceedings, that have been ſtrained againſt ſome of them. For, as we will not command any thing unjuſt or diſhonourable, but ſhall uſe Our Authority and Prerogatives for the good of Our People; ſo We will expect, that Our Miniſters obey Us, and they ſhall aſſure themſelves, We will protect them.

As for Our Merchants, We let them know, We ſhall always endeavour to cheriſh and enlarge the Trade of ſuch as be dutiful, without burthening them beyond what is fitting: but the Duty of Five in the Hundred, for guarding of the Seas, and defence of the Realm, to which We hold Our Selves ſtill obliged, (and which Duty hath continued without interruption ſo many ſucceſſion of Ages) We hold

no

no good or dutiful Subject will deny it, being ſo neceſſary for the good of the whole Kingdom. And if any factious Merchant will affront Us, in a thing ſo reaſonable, and wherein We require no more, nor in no other manner, than ſo many of Our Predeceſſors have done, and have been dutifully obey'd: Let them not deceive themſelves, but be aſſured, that We ſhall find honourable and juſt means to ſupport Our Eſtate, Vindicate Our Sovereignty, and preſerve the Authority which God hath put into Our Hands.

And now having laid down the truth and clearneſs of Our proceedings, all wiſe and diſcreet men may eaſily judge of thoſe rumours, and jealous fears, that are maliciouſly and wickedly bruited abroad; and may diſcern, by examination of their own hearts, whether (in reſpect of the free paſſage of the Goſpel, indifferent and equal adminiſtration of Juſtice, freedom from oppreſſion, and the great peace and quietneſs which every man enjoyeth under his Own Vine and Fig-tree) the happineſs of this Nation can be parallel'd, by any of Our Neighbour-Countries; and if not, then to acknowledge their own bleſſedneſs, and for the ſame be thankful to God, the Author all goodneſs.

A Propoſition for his Majeſties Service, to bridle the Impertinency of Parliaments. Afterwards queſtioned in the Star-chamber.

A Propoſition preſented to the King, how to keep in awe this Nation.

THe Propoſition for your Majeſties ſervice containeth two parts: the one, to ſecure your State, and to bridle the impertinency of Parliaments: the other, to increaſe your Majeſties Revenue, much more than it is. Touching the firſt, having conſidered divers means, I find none ſo important, to ſtrengthen your Majeſties Regal authority, againſt all oppoſitions and practiſes of troubleſome ſpirits, and to bridle them, than to fortifie your Kingdom, by having a Fortreſs in every chief Town, and important place thereof, furniſhed with Ordnance, Munition, and faithful men, as they ought to be, with all other circumſtances fit for to be digeſted in a buſineſs of this nature; ordering withal, the Trained Souldiers of the Country to be united in one dependency with the ſaid Fort, as well to ſecure their beginning, as to ſuccour them in any occaſion of ſuſpect; and alſo to retain and keep their Arms for more ſecurity, whereby the Countries are no leſs to be brought in ſubjection, than the Cities themſelves, and conſequently the whole Kingdom; your Majeſty having by this courſe the power thereof in your own hands. The reaſons of the ſuggeſts are theſe. 1. That in policy, it is a greater tie of the People by force and neceſſity, than meerly by love and affection; for by the one, the Government reſteth always ſecure; but by the other, no longer then the people are contented. 2. It forceth obſtinate ſubjects to be no more preſumptuous, than it pleaſeth your Majeſty to permit them. 3. That to leave a State unfurniſhed, is, to give the Bridle thereof to the Subject; when, by the contrary, it reſteth only in the Prince's hands. 4. That modern Fortreſſes take long time in winning, with ſuch charge and difficulty, as no Subjects in theſe times have means propable to attempt them. 5. That it is a ſure remedy againſt Rebellions, and popular Mutinies, or againſt Forreign Powers; becauſe they cannot well ſucceed: when by this courſe the apparent means is taken away, to force the King and Subject upon a doubtful fortune of a ſet Battel, as was the cauſe, that moved the pretended invaſion againſt the Land, attempted by the King of *Spain* in the year 1588. 6. That your Majeſties Government is the more ſecure, by the People's more ſubjection; and by their ſubjection, your Parliament muſt be forced conſequently to alter their ſtyle, and to be conformable to your will and pleaſure; for their words and oppoſition import nothing, where the power is in your Majeſties own hands, to do with them what you pleaſe; being indeed the chief purpoſe of this diſcourſe, and the ſecret intent thereof, fit to be concealed from any Engliſh at all, either Counſellers of State, or other.

First, to have a Fortreſs in every conſiderable Town.

For theſe, and divers other weighty reaſons, it may be conſidered in this place, to make your Majeſty more powerful and ſtrong, ſome orders be obſerved, that are uſed in fortified Countries, the government whereof imports as much as the States themſelves, I mean, in times of doubt or ſuſpect, which are theſe. *Imprimis*, That none wear Arms or Weapons at all, either in City or Countrey, but ſuch as your Majeſty may think fit to priviledge, and they to be enrolled.

2. That

2. That as many High-ways as conveniently may be done, be made paſſable through thoſe Cities and Towns fortified, to conſtrain the paſſengers to travel through them. 3. That the Souldiers of Fortreſſes be ſometimes choſen of another Nation, if ſubject to the ſame Prince; but howſoever, not to be born in the ſame Province, or within forty or fifty miles of the Fortreſs, and not to have friends or correſpondency near it. 4. That all the Gates of each walled Town be appointed Officers, not to ſuffer any unknown paſſengers to paſs by, without a Ticket, ſhewing from whence he came, and whether to go. And that the Gates of each City be ſhut all night, and keys kept by the Mayor or Governour. 5. Alſo Inn keepers to deliver the names of all unknown paſſengers that lodge in their houſes; and if they ſtay ſuſpitiouſly at any time, to preſent them to the Governour: whereby dangerous perſons ſeeing theſe ſtrict courſes, will be more wary of their actions, and thereby miſchievous attempts will be prevented. All which being referred to your Majeſties wiſe conſideration, it is meet for me withal to give you ſome ſatisfaction, of the charge and time to perform what is purpoſed, that you may not be diſcouraged in the difficulty of the one, or prolongation of the other; both which doubts are reſolved in one and the ſame reaſon, in reſpect that in *England*, each chief Town commonly hath a ruinated Caſtle, well ſeated for ſtrength, whoſe foundation and ſtones remaining, may be both quickly repaired for this uſe, and with little charge and induſtry made ſtrong enough, I hope, for this purpoſe, within the ſpace of one year; by adding withal Bulwarks and Rampires for the Ordnance, according to the Rules of Fortification. The Ordnance for theſe Forts may be of Iron, not to diſfurniſh your Majeſties Navy, or be at a greater charge than is needful.

Secondly, To cauſe High-ways to be made through ſuch Towns. Thirdly, To chooſe the Souldiers of ſuch Fortreſſes, no Inhabitants of the place. Fourthly, To let none paſs through ſuch places without a Ticket. Fifthly, To have the names of all Lodgers taken by all Inn-keepers.

To maintain yearly the Fort, I make account an ordinary pay, three thouſand men will be ſufficient, and will require forty thouſand pound charge *per annum*, or thereabouts, being an expence that inferiour Princes undergo, for their neceſſary ſafety. All which prevention, added to the invincible Sea-force your Majeſty hath already, and may have, will make you the moſt powerful and obeyed King of the world. Which I could likewiſe confirm by many examples, but I omit them for brevity, and not to confuſe your Majeſty with too much matter. Your Majeſty may find by the ſcope of this diſcourſe, the means ſhewed in general to bridle your Subjects, that may be either diſcontent or obſtinate. So likewiſe am I to conclude the ſame intent particularly, againſt the perverſeneſs of your Parliament, as well to ſuppreſs that pernicious humour, as to avoid their oppoſitions againſt your profit, being the ſecond part to be diſcourſed on: and therefore have firſt thought fit, for better prevention thereof, to make known to your Majeſty the purpoſe of a general Oath your Subjects may take, for ſure avoiding of all rubs, that may hinder the concluſion of theſe buſineſſes. It is further meant, that no Subject upon pain of high Treaſon, may refuſe the ſame Oath, containing only matter of Allegiance, and not ſcruples in points of Conſcience, that may give pretence not to be denied. The effect of the Oath is this, That all your Majeſties Subjects do acknowledge you, to be as abſolute a King and Monarch within your Dominions, as is amongſt the Chriſtian Princes, and your Prerogative as great: whereby you may and ſhall of your ſelf, by your Majeſties Proclamation, as well as other Sovereign Princes doing the like,

The expence of theſe Forts.

To impoſe an Oath upon the Subjects.

like, either make Laws, or reverſe any made, with any other Act, ſo great a Monarch as your ſelf may do, and that without further conſent of a Parliament, or need to call them at all in ſuch caſes; conſidering, that the Parliament in all matters, excepting cauſes to be ſentenced as the higheſt Court, ought to be ſubject unto your Majeſties will, to give the negative or affirmative concluſion, and not to be conſtrained by their impertinencies to any inconvenience, appertaining to your Majeſties Regal Authority; and this, notwithſtanding any bad pretence or cuſtom to the contrary in practice, which indeed were fitter to be offered a Prince elected, without other right, than to your Majeſty, born ſucceſſively King of *England*, *Scotland*, and *Ireland*, and your Heirs for ever; and ſo received, not only of your Subjects, but alſo of the whole world. How neceſſary the dangerous ſupremacy of Parliaments uſurpation is to be prevented, the example of *Lewes* the Eleventh King of *France*, doth manifeſt, who found the like oppoſition as your Majeſty doth, and by his wiſdom ſuppreſſed it. And, to the purpoſe here intended, which is not to put down altogether Parliaments and their Authority, being in many caſes very neceſſary and fit; but to abridge them ſo far, as they ſeek to derogate from your Majeſties Regal Authority, and advancement of your greatneſs. The caution in offering the aforeſaid Oath, may require ſome policy for the eaſier paſſage at firſt, either by ſingular or particular tractations, and that ſo near about one time over the Land, as one Government may not know what the other intendeth; ſo it may paſs the eaſier, by having no time of combination or oppoſition. There is another means alſo more certain than this, to bring to paſs the Oath more eaſily, as alſo your profit, and what elſe pretended; which here I omit for brevity, requiring a long diſcourſe by it ſelf, and have ſet it down in particular inſtructions to inform your Majeſty.

2. The ſecond part of this Diſcourſe is, touching your Majeſtie's Profit, after your State is ſecured: Wherein I ſhould obſerve both ſome reaſonable content to the People, as alſo conſider the great expences that Princes have now adays, more than in times paſt, to maintain their greatneſs and ſafety of their Subjects, who, if they have not wit or will to conſider their own intereſt ſo much indifferently, your Majeſties wiſdom muſt repair their defects, and force them to it by compulſion; but I hope there ſhall be no ſuch cauſe, in points ſo reaſonable, to increaſe your Majeſties Revenue, wherein I ſet down divers means for your gracious Self to make choice of, either all or part at your pleaſere, and to put it in execution by ſuch degrees and cautions as your great wiſdom ſhall think fit in a buſineſs of this nature.

Means to increaſe the King's Revenues

1. To demand a *Decima* of mens eſtates.

Imprimis, The firſt means or courſe intended to increaſe your Majeſties Revenues or Profits withal, is of greateſt conſequence, and I call it a *Decimation*, being ſo termed in *Italy*, where in ſome part it is in uſe, importing the Tenth of all Subjects Eſtates, to be paid as a yearly rent to their Prince, and as well monied men in Towns, as landed men in the Countries, their value and eſtates eſteemed juſtly as it is to the true value, though with reaſon; and this paid yearly in Money: Which courſe applied in *England* for your Majeſties ſervice, may ſerve inſtead of Subſidies, Fifteens, and ſuch like, which in this caſe are fit to be releaſed, for the Subjects benefit and content, in recompence of the ſaid *Decima*, which will yield your Majeſty more in certainly, than they do caſually by five hundred thouſand pounds *per annum* at

at the leaſt. *Item*, That when your Majeſty hath gotten money into your hands by ſome courſes to be ſet down, it would be a profitable courſe to encreaſe your *Entrada*, to buy out all Eſtates and Leaſes upon your own Lands, in ſuch ſort, as they be made no looſers; whereby having your Lands free, and renting it out to the true value, as it is moſt in uſe, and not emplyed as heretofore, at an old Rent, and ſmall Fines, you may then rent it out for at leaſt four or five times more
A mony, then the old Rent comes unto. So as if your Majeſties Lands be already but ſixty thouſand pounds *per annum*, by this courſe it will be augmented at the leaſt to two hundred thouſand pounds *per Annum*; and to buy out the Tenants eſtates will come to a ſmall matter by the courſe to make them no looſers, conſidering the gain they have already made upon the Land: And this is the rather to be done, and the preſent courſe changed, becauſe it hath been a cuſtom uſed meerly to couſen the King. *Item*, Whereas moſt Princes do receive the benefit
B of Salt in their own hands, as a matter of great profit, becauſe they receive it at the loweſt price poſſible, and vent it at double gain yearly; the ſame courſe uſed by your Majeſty, were worth at leaſt one hundred and fifty thouſand pounds *per annum*. It is likewiſe in other parts that all Weights and Meaſures of the Land, either in private Houſes, Shops, or publick Markets, ſhould be viewed to be juſt, and ſealed once a year, paying to the Prince for it; which in *England*, applied to your Majeſty, with order to pay ſix-pence for the ſealing of
C each ſaid Weight or Meaſure, would yield near ſixty thouſand pounds *per annum*. *Item*, Though all Countries pay a *Gabella*, for tranſportation of Cloth, and ſo likewiſe in *England*; yet in *Spain* there is Impoſt upon the Woolls, which in *England* is ſo great a wealth and benefit to the Ship-Maſters, as they may well pay you five pound *per cent.* of the true value at the Shearing, which I conceive may be worth one hundred and forty thouſand pounds *per Annum*. *Item*, Whereas the Lawyers Fees and gains in *England* be exceſſive, to your Subjects pre-
D judice; it were better for your Majeſty to make uſe thereof, and impoſe on all Cauſes ſentenced with the party, to pay five pound *per cent.* of the true value that the Cauſe hath gained him; and for recompence thereof, to limit all Lawyers Fees and gettings, whereby the Subject ſhall ſave more in Fees and Charges, then he giveth to your Majeſty in the *Gabella*, which I believe may be worth, one year with another, fifty thouſand pounds. *Item*, Whereas the Inns and Victualling-houſes in *England* are more chargeable to the Travellers,
E then in other Countries, it were good for your Majeſty to limit them to certain Ordinaries, and raiſe beſides a large Impoſition, as is uſed in *Tuſcany*, and other parts; that is, a prohibiting all Inns and Victualling-houſes, but ſuch as ſhall pay it; and to impoſe upon the chief Inns and Taverns, to pay ten pounds a years to your Majeſtie, and the worſt five pounds *per Annum*, and all Ale-houſes twenty ſhillings *per Annum*, more or leſs, as they are in cuſtom. Of all ſorts there are ſo many in *England*, that this impoſt may well yield one hundred thouſand
F pounds *per Annum* to your Majeſty. *Item*, in *Tuſcany*, and other parts, there is a *Gabella* of all Cattle, or Fleſh, and Horſes ſold in Markets, paying three or four *per cent.* of what they are ſold for, which by conjecture may be worth in *England*, two hundred thouſand pounds *per Annum*; uſing the like Cuſtom upon Fiſh, and other Victuals, (Bread excepted) and for this cauſe, Fleſh, and Fiſh, and Victuals, in the Markets

2. To buy out all Leaſes upon the Crown-Lands.

3. To take the Salt into his Majeſties own hands.

4. To demand a rate for Sealing the Weights every year.

5. To demand an Impoſt for Wools.

6. To put a Tax upon every Lawyers Fee.

7. to put a Tax upon Inns and Victualing-houſes for a Licenſe.

8. To put a Tax upon all Cattle, Fleſh, and Horſes ſold in the Market.

Markets to be priſed and ſold by weight, whereby the Subject ſaveth more in not being couſened, than the Impoſition impaireth them. *Item*, In *Tuskany* is uſed a Taxation of ſeven *per cent.* upon all alienation of Lands to the true value. As alſo ſeven *per cent.* upon all Dowries, or Marriage-Monies. The like, if it be juſtly uſed in *England*, were worth at leaſt one hundred thouſand pounds *per Annum*; with many other Taxations upon Meal, and upon all Merchandiſes in all Towns as well as Port-Towns, which here I omit, with divers others, as not ſo fit for *England*. And in ſatisfaction of the Subject for theſe Taxes, your Majeſty may be pleaſed to releaſe them of Wardſhips, and to enjoy all their eſtates at eighteen years old; and in the mean time, their profits to be preſerved for their own benefit. And alſo in forfeitures of Eſtate by condemnation, your Majeſty may releaſe the Subject, as not to take the forfeiture of their Lands, but their Goods, High-Treaſon only excepted; and to allow the Counſel of Lawyers in caſe of life and death; as alſo not to be condemned without two Witneſſes, with ſuch like benefit, which importeth much more their good, then all the Taxations named can prejudice them. *Item*, Some of the former Taxations, uſed in *Ireland* and in *Scotland*, as may eaſily be brought about by the firſt example thereof uſed in *England*, may very well be made to increaſe your Revenue there, more then i[illegible], by two hundred thouſand pounds *per Annum*. *Item*. All Offices in England, great and ſmall, in your Majeſties grant, may be granted with condition, to pay you a part yearly, according to the value: This in time may be worth (as I conceive) one hundred thouſand pounds *per Annum*: adding alſo Notaries, Atturneys, and ſuch like, to pay ſome proportion yearly towards it, for being allowed by your Majeſty to practiſe, and prohibiting elſe any to practiſe in ſuch places. *Item*, To reduce your Majeſties Houſhold to Board-wages, as moſt other Princes do, reſerving ſome few Tables; this will ſave your Majeſty ſixty thouſand pounds *per Annum*, and eaſe greatly the Subject beſides, both in Carriages and Proviſion, which is a good reaſon, that your Majeſty in honour might do it. *Item*, I know an aſſured courſe in your Majeſties Navy, which may ſave at leaſt forty thouſand pounds *per annum*, which requiring a whole Diſcourſe by it ſelf, I omit; only promiſe you to do it, whenſoever you command. *Item*, Whereas your Majeſties Laws do command the ſtrict keeping of Faſting-days, you may alſo prohibit on thoſe days to eat Eggs, Cheeſe, and White-meats, but only ſuch as are contented to pay eighteenpence a year, for the liberty to eat them, and the better ſort ten ſhillings. The employment of this may be for the defence of the Land, in maintaining the Navy, Garriſons, and ſuch like, much after the faſhion of a *Cruſado* in *Spain*, as your Majeſty knoweth, being firſt begun there, under the pretence to defend the Land againſt the Moors. And the ſame uſed in *England*, as aforeſaid, may very well yield, one year with another, one hundred thouſand pounds, without any diſguſt to any, becauſe it is at every ones choice to give it or no. Laſtly, I have a courſe upon the Catholicks, and very ſafe for your Majeſty, being with their good liking, as it may be wrought, to yield you preſently at leaſt two hundred thouſand pounds *per Annum*, by raiſing a certain value upon their Lands, and ſome other Impoſitions; which requiring a long Diſcourſe by it ſelf, I will omit it here, ſetting it

9. To put a Tax upon all Lands alienated.

10. To demand a rate upon all Offices in his Majeſties grant.

11. To reduce his Majeſties Houſhold to Board-wages.

12. To demand a rate for licenſe to eat *Lacticinia*.

13. To take an Impoſition upon the Catholicks lands.

A B C D E F

it down in my Inſtructions; it will ſave your Majeſty at leaſt One hundred thouſand pound *per annum*, to make it pain of death, and confiſcation of goods and lands for any of the Officers to couſen You, which now is much to be feared they do, or elſe they could not be ſo rich; and herein to allow a fourth part benefit to thoſe that ſhall find out the couſenage. Here is not meant Officers of State, as the Lord Treaſurer, &c. being Officers of the Crown. The ſum of all this account amounteth unto two Millions, or Twenty hundred thouſand pounds *per annum*: ſuppoſe it to be but one Million and an half, as aſſuredly your Majeſty may make, by theſe courſes ſet down, yet it is much more than I promiſed in my Letter for your Majeſties ſervice. Beſides, ſome ſums of Money in preſent, by the courſes following: *Imprimis*, By the Prince's Marriage, to make all the Earls in *England* Grandees of *Spain*, and *Principi*, with ſuch like priviledes, and to pay Twenty thouſand pounds apiece for it. As alſo, if you make them Fœditaries of the Towns belonging to their Earldoms, if they will pay for it beſides, as they do to the King of *Spain* in the Kingdom of *Naples*. And ſo likewiſe Barons to be made Earls and Peers, to pay nineteen thouſand pounds apiece, I think might yield Five hundred thouſand pounds, and oblige them more ſure to his Majeſty. 3. To make choice of two hundred of the richeſt men of *England* in eſtate, that be not Noblemen, and make them Titulate, as is uſed in *Naples*, and paying for it; that is, a Duke Thirty thouſand pounds, a Marquis Fifteen thouſand pounds, an Earl Ten thouſand pounds, and a Baron or Viſcount Five thouſand pounds. It is to be underſtood, that the antient Nobility of Barons made Earls are to precede theſe as Peers, though theſe be made Marquiſſes or Dukes; this may raiſe a Million of pounds and more unto your Majeſty. To make Gentlemen of low quality, and Franklins, and rich Farmers, Eſquires, to precede them, would yield your Majeſty alſo a great ſum of Money in preſent. I know another courſe to yield your Majeſty at leaſt three hundred thouſand pounds in Money, which as yet the time ſerveth not to diſcover, untill your Majeſty be reſolved to proceed in ſome of the former courſes, which till then I omit. Other courſes alſo, that may make preſent Money, I ſhall ſtudy for your Majeſties ſervice, and, as I find them out, acquaint you withal. Laſtly, to conclude all theſe diſcourſes, by the application of this courſe uſed for your profit, That it is not only the means to make you the richeſt King that ever *England* had, but alſo the ſafety augmented thereby to be moſt ſecure, beſides what ſhewed in the firſt part of this diſcourſe; I mean, by the occaſion of this Taxation, and raiſing of Monies, your Majeſty ſhall have cauſe and means to imploy in all places of the Land ſo many Officers and Miniſters, to be obliged to you for their own good and Intereſt, as nothing can be attempted againſt your Perſon, or Royal State, over Land, but ſome of them ſhall, in all probability, have means to find it out, and hinder it. Beſides, this courſe will detect many diſorders and abuſes in the publick Government, which were hard to be diſcovered by men indifferent, To prohibit gorgeous and coſtly apparel to be worn, but by perſons of good quality, ſhall ſave the Gentry of the Kingdom much more Money, than they ſhall be taxed to pay unto your Majeſty. Thus withal I take my leave, and kiſs your gracious hands, deſiring pardon for my error I may commit herein.

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At the Prince his Marriage to make Earls in *Principi*, and to pay for it.

And Barons to be made Earls.

To make 200 rich men Titulate, and they to pay for the Titles.

To make Gentlemen of low quality, and rich Farmers, Eſquires.

Paſch.

Paſch. 5. *Caroli Regis.* B. R.

The Reports of the following Arguments were taken by Mr. *Widdrington* of *Grays-Inn.*

Mr. *Stroud* Eſq; brought to the Kings-Bench-Bar, upon a *Habeas Corpus.*

UPon the Habeas Corpus out of this Court, to bring here the body of one William Stroud Eſq; with the cauſe of his impriſonment, to the Marſhal of the Kings Bench, it was returned in this manner: That William Stroud Eſq; was committed under my cuſtody, by vertue of a certain Warrant under the hands of twelve Lords of the Privy Council of the Lord the King; the tenour of which Warrant followeth in theſe words. A

You are to take knowledge, That it is his Majeſties expreſs pleaſure and commandment, that you take into your cuſtody the body of William Stroud Eſq; and keep him cloſe priſoner, until you ſhall receive other order, either from his Majeſty, or his Board; for ſo doing this ſhall be your Warrant. Dated the 2d. of April, 1629. B

And the direction thereof was, To the Marſhal of the King's Bench, or his Deputy. He is likewiſe held in priſon by vertue of a certain Warrant, under the hand of the King himſelf, the tenour of which Warrant followeth in theſe words. *Carolus Rex.* Whereas you have in your cuſtody the body of William Stroud Eſq; committed by the Lords of Our Privy Council, by Our ſpecial command, you are to take notice, that his commitment was for notable contempts by him committed againſt Our ſelf, and Our Government, and for ſtirring up of Sedition againſt Us: For which you are to detain him in your cuſtody, and keep him cloſe priſoner, until Our pleaſure be further known concerning his deliverance. Given at Greenwich the 7th. of May, 1629. in the 5th. year of Our Reign. And the direction was, To Our Marſhal for our Bench for the time being. And theſe are the cauſes of the taking and detaining of the foreſaid William Stroud, &c. C D

Alſo *Walter Long.* Eſq.

And upon another Habeas Corpus to the Marſhal of the Houſhold, to have the body of Walter Long Eſq; he made the ſame Return as above.

Ask of the Inner Temple, of Counſel with Mr. Stroud, moved, That the Return was inſufficient. The Return conſiſts upon two Warrants, bearing ſeveral Dates, which are the cauſes of the taking and detaining of the Priſoner. For the firſt Warrant, which is of the Lords of the Council, that is inſufficient; becauſe no cauſe is ſhewn of his commitment, which is expreſly againſt the reſolution of the Parliament, and their Petition of Right, in the time of this King which now is, to which he had likewiſe given his aſſent; ſo his taking by vertue of the ſaid Warrant is wrongful. And for the ſecond Warrand, it is inſufficient alſo, and that notwithſtanding that it be the Kings own; for, the King himſelf cannot impriſon any man, as our Books are, to wit, 16 H. 6. F. Monſtrance de faits. 1. H. 7. 4. Huſſey reports it to be the opinion of Markham, in the time of Edw. 4. and Forteſcue in his Book, de laudibus Legum Angliæ, cap. 18. And the reaſon given, is, becauſe no action of falſe impriſonment lies againſt the King, if the impriſonment be wrongful; and the King cannot be a wrong doer. The Statute of Magna Charta is That no free-man be impri-

imprisoned, but by the Law of the Land. And it appears by these Books, that it is against the Law of the Land that the King should imprison any one.

2. Admit that this be onely a signification and notification given by the King himself, of the commitment of the Prisoner; yet it seems that that signification is of no force, 1. Because the words are general and uncertain, ——for notable contempts—— There are in the Law many contempts of several natures; there are contempts against the Common Law, against the Statute Law; contempts in words, gestures, or actions. And it appears not to the Court of what nature these contempts were.—— Notable—— Every contempt which is made to the King is notable. ——Against Our Government —— Contempt which is committed in a Court of Record or Chancery, is a contempt against the Government of the King, to wit, because they disobey the King when he commands them by his Writs, C. 8. 60. a Beechers Case. The last words of the Return are, ——For stirring up of Sedition against us—— which words likewise are indefinite and general. I find not the word [Sedition] in our Books, but taken adjectively, as, seditious Books, seditious News, &c. in the Statute of 1st. and 2d. Phil. and Mary, cap. 3. the words are, If any person shall be convicted, &c. for speaking &c, any false, seditious or slanderous news, saying of the tales of the Queen, &c. he shall loose his Ears, or pay 100 l. There the penalty imposed upon such sedition is but a Fine, C. 4. Lord Cromwel's case 13. where sedition is defined to be *seorsum itio*, when a man takes a course of his own. And there it is said, that the words, —— maintain sedition against the Queens proceedings —— shall be expounded according to the coherence of all the words, and the intent of the parties. So that it is plain, that there is a sedition that is onely Fineable, and which is no cause of imprisonment without Bail: And what the sedition is that is here intended, cannot be gathered out of the words, they are so general. ——against Us——those words are redundant, for every sedition is against the King.

Upon the generality and incertainty of all the words in the Return, he puts these Cases, 18 E. 3. A man was indicted, quia furatus est equum, and doth not say Felonicè, and therefore ill, 29 Ass. 45. A man was indicted that he was communis latro, and the Indictment held vicious, because too general. So here the offences are returned generaly. But there ought to be something individual, C. 5. 57. Specot's Case, quia schismaticus inveteratus, is no good cause for the Bishop to refuse a Clerk, for it is too general, and there are schisms of divers kinds, 38 E. 3. 2. Because the Clerk is criminosus, it is no good cause for the Bishop to refuse him, 8. and 9 Eliz. Dy. 254. The Bishop of N. refuseth one, because he was a hunter of Taverns, &c. for which, and divers other crimes, he was unfit, held, that the last words are too general and incertain, 40 E. 3. 6. In the tender of a Marriage, and refusal of the Heir, he ought to alledge a certain cause of refusal, whereupon issue may be taken. C. 8. 68. Trallop's Case: to say, That the Plaintiff is excommunicated for divers contumacies, shall not disable him, without shewing some cause in special of the excommunication, upon which the Court may judge whether it were just or no. So here. And he concluded with a Case that was resolved, Hill. 33. Eliz. Peak and Paul the Defendants said of the Plantiff, Thou art a mutinous and

seditious man, and maintains sedition against the Queen; and the words adjudged not actionable.

Mr. *Mason* of *Lincoln's-Inn*, his Argument for Mr. *Long*.

Mason of Lincolns-Inn, of Council with Mr. Long, moved also, That the Return was insufficient. For the first Warrant, That he was committed by Command of the King, signified by the Privy Council, I will not argue that, because it was claimed as an ancient Right pertaining to the Subject, in the Petition of Right, whereto the King himself hath given his consent. For the second Warrant, the Return is,——for stirring up Sedition against Us and Our Covernment. Sedition is not any determined offence within our Law; our Law gives definition or discriptions of other offences, to wit, of Treason, Murder, Felony, &c. but there is no crime in our Law called Sedition. It is defined by a Civilian to be Seditio, or Secessio, cum pars Reipublicæ contra partem insurgit; so that Sedition is nothing but Division. Bracton and Glanvil have the word [Seditio] generally. Before the Statute of 25 E. 3. cap. 2. it was not clear enough what thing was Treason, what not; by which Statute it is declared what shall be said Treason, and that the Judges shall not declare any thing to be Treason, that is not contained within the said Statute, but it shall be declared only by Parliament. And that Statute speaks not of Sedition, nor the Statute of 1 H. 4. cap. 10. which makes some things Treason, which are not contained within the said Statute of 25 E. 3. The Statute of 1 E. 6. cap. 12. takes away all intervenient Statutes, which declared new Treasons; and the said Act declares other things to be Treason, but mentions not Sedition. Sedition is the quality of an offence, and is oftentimes taken Adverbially, or adjectively. To raise tumults or trespasses is Sedition, Trin. 21 E. 3. rot. 23. B. R. Garbart's Case, A man was indicted, because in the high street he took J. S. there, being in hostile manner, and usurped over him Royal power, which is manifest Sedition; and there it was but an Indictment of Trespass. Mich. 20. E. 1. rot. 27. One that was Surveyor of the Wood-work for the King, was indicted for stealing of Timber, and detaining Wages, (ridding Carpenters Wages) by one that was but a Boy; and this is there termed Sedition, and yet it was but a petty Felony, Mich. 42 E. 3. rot. 65. B. R. R. Pope was appealed by the Wife of J. S. because he feloniously and seditiously murdered J. S. and [Seditiously] was there put in, because it was done privily. By which cases it appears, that Sedition is not taken as a Substantive, so that it may be applied to Treason, Trespass, or other Offences. By the Statute of 2 H. 4. cap. 15. there is a punishment inflicted for the raising of seditious Doctrine, and yet no punishment could have been inflicted for it until the said Statute; and yet it was seditious, as well before the said Statute as after. And this appears also by the Statute of 1 and 2 of Phil. and Mar. cap. 3. which hath been cited. The Statute 13 Eliz. cap. 2. recites, that divers seditious and evil disposed persons, &c. obtained Bulls of Reconciliation from the Pope, which offence was made Treason by the said Statute, (for it was not before, and yet there was sedition) and by the said Statute, the aiders and abettors are but in the case of Premunire. By the Statute of 13 Eliz. cap. 1. for the avoiding of contentious and seditious Titles to the Crown, it is Enacted by the said Statute, That he that shall declare the Successor of the

the King ſhall forfeit the moity of his Goods, &c. ſo that the ſaid offence, although it be ſeditious, is not Treaſon by the Common Law, nor is made Treaſon by the Statute of 25 E. 3. nor by the Statute of 13 Eliz. By the Statute of 23 Eliz. cap. 2. he that ſpeaks ſeditious or ſlanderous news of the Queen, ſhall loſe his ears, or pay 200 l. and the ſecond offence is made Felony. The Statute of 35 Eliz. cap. 1. is againſt ſeditious Sectaries, which abſent themſelves from the Church; they are to be puniſhed 10 l. by the moneth. Out of all which Statutes it may be collected, that the word [Sedition] is taken variouſly, according to the Subject in hand. And C. 4. Lord Cromwel's caſe [Seditious] is referred to Doctrine. There are offences more high in their nature than Sedition, which were not Treaſon, unleſs ſo declared by act of Parliament. Every Rebellious Act is Sedition, yet if ſuch acts be not within the Statute of 25 Ed. 3. they are not Treaſon. 17. R. 2. cap. 8. Inſurrection of Villains and others is made Treaſon, which proves, that before this Act it was not Treaſon. And this Act of 17. R. 2. is repealed by the Statute of 1 H. 4. By the Statute of 3 and 4 E. 6. cap. 5. to aſſemble people to alter the Laws, is made Treaſon, if they continue together an hour after Proclamation made. This Aſſembly of People was ſedition at the Common Law; and the very Aſſembly, if they after diſſolve upon Proclamation made, is not Treaſon by the ſaid Statute. By the Statute of 14 Eliz. cap. 1. it is made Felony, maliciouſly and rebelliouſly to hold from the Queen any Caſtles, &c. but becauſe this relates not to the Statute of 25 E. 3. it is not Treaſon. 2. It ſeems clearly, that this Caſe is within the Petition of Right, in which Magna Charta, and the Statutes of 25 and 28 E. 3. are recited. The grievance there was, that divers have been impriſoned without any cauſe ſhewed, to which they might make anſwer according to the Law. And upon this Return nothing appears to be objected to which he might anſwer. It appears not what that Act, which is called Sedition, was. This is the very grief intended to be remedied by this Statute: To this he cannot anſwer according to Law. It appears not whether this were a ſeditious Act, Treſpaſs, or Slander, or what it was at all. The words are, ——Sedition againſt the King ——— This helps not, for every offence is againſt the King, againſt his Crown and Dignity; that which diſturbs the Commonwealth is againſt the King, ſeditious Doctrine is ſedition againſt the King, as is before ſaid. In 28 H. 6. vide Proſtrat. fol. 19. the Lords and Commons deſire the King, that William de la Pool may be committed for divers Treaſons, and ſundry other heinous Crimes; and the Petition held not good, becauſe too general: Whereupon they exhibit particular Articles againſt him. And therefore upon the whole matter he concluded and prayed, that Mr. Long might be diſcharged from his impriſonment.

On another day, Barckley and Davenport, the Kings Sergeants argued for the King, that this Return was ſufficient in Law to detain them in priſon. Barckley began, and ſaid, That the Caſe is new, and of great weight and conſequence, and yet, under favour, the Prerogative of the King, and the Liberty of the Subject, are not mainly touched therein; for the Caſe is not ſo general as it hath been made, but particular upon this particular Return. The Liberty of the Subject is a tender

Sergeants, *Barckley* his Argument againſt *Strou* and *Long*.

a tender point, the right whereof is great, juſt, and inviolable. The Prerogative of the King is an high point, to which every Subject ought to ſubmit. I intend not to make any diſcourſe of the one or the other, I will onely remember what the King hath determined upon them both, in his Speech which he made upon the Petition of Right, to wit, That the Peoples Liberties ſtrengthen the Kings Prerogative; and that the Kings Prerogative is to defend the Peoples Liberties. This may ſettle the hearts of the People concerning their Liberty. The way which I intend to treat in my Argument, is, to anſwer to the objections and reaſons which have been made, and to give ſome reaſons, whereby this Return ſhall be ſufficient. A

The objections which have been made are reducible to four Heads.

1. By what the Priſoner here ſhall be ſaid to be committed and detained.

2. That this commitment is againſt the Petition of Right.

3. That the cauſe which is here returned, is general and incertain. B

4. That the offences mentioned in the Return are but Finable, and therefore notwithſtanding them, the Party is Bailable.

For the firſt, it hath been objected, That the Commitment here was by the Lords of the Privy Council, and the ſignification of this cauſe is by the King himſelf. But I ſay, that there is a further matter in the Return; for the Lords of the Council do it by the command of the King, and they onely purſue this Command. I will not diſpute, whether the Lords of the Council have power to commit an offender or no, it is common in experience, 33 H. 6. 28. Poignes Caſe is expreſs in it. And in the Petition of Right it is admitted, that they may commit. And this is not alledged there for a grievance, but the grievance there, was, becauſe the particular charge of the Commitment was not ſhewed. Some Books have been objected to prove, that the King, though in Perſon, cannot commit any perſon, 16 H. 6. F. Monſtrance de faits 182. But the authority of that Book vaniſheth, if the Caſe be put at large, which was in Treſpaſs for cutting of Trees. The Defendant ſaid, That the place where, &c. is parcel of the Manner of D. whereof the King is ſeiſed in Fee, and the King commands us to cut. And the opinion of the Court was, that this is no plea, without ſhewing a ſpecialty of the Command of the King. And there the whole Court ſays, That if the King command me to arreſt a man, whereby I arreſt him, he ſhall have treſpaſs or impriſonment againſt me, although it be done in the preſence of the King. That the following words are to be underſtood, that the principal caſe was of one Command of the King by word, and then ſuch Command by word to arreſt a man is void. And 1 H. 7. 4. was objected. Huſſey ſays, that Markham ſaid to King Edward 4 that he cannot arreſt a man for ſuſpition of Treaſon or Felony, becauſe if he do wrong, the Party cannot have his Action. To this I ſay, That the Book there is to be underſtood of a wrongful arreſt, for there is ſpoken of an action of falſe impriſonment; and a wrongful arreſt cannot be made by the King. C D E F

2. It ſtands not with the Dignity of the King to arreſt any man; C. 4. 73. The King makes a Leaſe for years, rendring Rent, with condition of re-entry for non-payment he ſhall take advantage of the condition without any demand; and the reaſon there given, is, that a decorum and conveniency might be obſerved. So it is not befitting for the King

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in perſon to arreſt any man, but the King may command another to do it. Bracton lib. 2. de acquirendo rerum Dominio, fol. 55. ſays, That the Crown of the King is to do juſtice and judgment, and facere pacem, without which, the Crown it ſelf cannot ſubſiſt. Several conſtructions are to be made upon thoſe ſeveral words, ——— and the laſt words ——— facere pacem —— imply, that the King hath a coercive power. Britton f. 1. amongſt the Errata. The King ſaid in perſon, A Becauſe we are not ſufficient in perſon to do every thing, We divide the charge into many parts. We are the peoples Juſtice, and a Juſtice implies one that hath power to do Juſtice in every kind, to wit, by impriſonment, or otherwiſe. 20 H. 7. 7. C. 11. 85. it is ſaid, That the King is the Chief Juſtice. And Lambert in his Juſtice of Peace, fol. 3. ſays, That in ancient Hiſtories, the Chief Juſtice of England is called, Capitalis Juſticia & Prima Juſticia, after the King, in England. So that the King hath the ſame power of Juſtice, as the Chief Juſtice had. B This impriſonment here, which is before conviction for any offence, is not uſed toward the Subject as impriſonment for any fault, but is rather an arreſt or reſtraint to avoid further inconveniencies, 14 H. 7. 8. A Juſtice of Peace may arreſt men riotouſly aſſembled, for prevention of further miſchief. And the Book alſo ſays, That he may leave his ſervants there to arreſt men, for ſafeguard of the Peace. It is a caſe well known, that if a houſe be ſet on fire, every man may pull down the next houſe, for prevention of greater miſchief; ſo it ſeems concerning the Incendi- C aries of the State, they ought to be reſtrained and ſuppreſt, leſt others ſhould be ſtirred up by them to the ſame combuſtion. 22 aſſ. 56. and 22 E. 4. 45. in falſe impriſonment the Defendant juſtifies, becauſe the Plaintiff was mad and out of his wits, and that he had done ſome harm, and that he had bound and beat him to avoid further harm, which might have hapned by his madneſs: And the juſtification was held good. So is it in matter of Government, to avoid commotions, the King ought to uſe his coercive power againſt thoſe that are enraged. D The objection was, That this courſe was againſt the Petition of Right. But I anſwer, That this caſe is out of the words of that Petition; the words of the Petition were, —— Whereas by the Statute called, The great Charter, and by the Statute of 28 E. 3. no free-man may be taken or impriſoned ——— yet againſt the tenour of the ſaid Statute; &c. divers of your ſubjects have of late been impriſoned, without any cauſe ſhewed; and when for their deliverance, &c. they were brought before the Juſtices by Writs of Habeas Corpus, there to undergo and E receive as the Court ſhould order, and their Keepers commanded to certifie the cauſe of their deteyner, and no cauſe was certified, but that they were detained by your Majeſties ſpecial command, ſignified by the Lords of your Council; and yet were returned back to ſeveral Priſons, without being charged with any thing to which they might make anſwer according to Law. Theſe laſt words are obſervable, ——— Without being charged with any thing, to which they might make anſwer ——— Theſe words do not refer to the Return of the Ha- F beas Corpus, for the cauſe returned therein cannot be traverſed, 9 H. 6. 54. but the Court took it as true. But the ſetting forth of the cauſe, and the anſwer to the ſame cauſe, is to be upon other proceedings, to wit, upon the Indictment for the offence, or otherwiſe. And there is great difference between the return of a Writ to which a man may anſwer

ſwer, and the return of an Habeas Corpus, 10 E. 4. & 3 H. 7. 11. are, that if the Sheriff return Reſcous, all certainties of every circumſtance ought to be ſhewed; becauſe it is fitting, that a thing certain be brought into judgment. And upon ſhewing of the grievance, as above, the Petition is, that no free-man, in any ſuch manner as before is mentioned, be impriſoned or detained, (ſuch) and it hath relation to ſuch impriſonment, which is mentioned in the premiſſes. And impriſonment mentioned in the premiſes of the Petition, is, where no cauſe at all was mentioned; then where any cauſe is ſhewed, is out of the Petition, and that [ſuch] is the word relative, appears by C. 11. 62. where many caſes are put to the ſame purpoſe, which ſee. A

The third objection was, That the return was general and uncertain. The Counſel on the other ſide had divided the words of the Return, but that is to offer violence thereunto; for an expoſition ſhall not be made by fractions, but upon the whole matter. For the firſt words, —— notable contempts —— It hath been ſaid, that the addition of the word [notable] is but to make a flouriſh: But I ſay, That [notable] is not the emphaſis of the Return, but it only expreſſeth the nature of the offence; and yet [notable] is a word obſervable by it ſelf in the Law, and implies, that the thing is known and noted. By 27 E. 1. Sheriffs ſhall be puniſhed, that let notorious offenders to bail; and by the Statute of 4 H. 4. cap. 3. a notorious or common Thief ſhall not make his purgation: and 26 E. 3. 71. in a treſpaſs for falſe impriſonment, the Defendant ſaid, That the Plantiff came into the Town of Huntington, and becauſe he was ſeen in the company of R. de Thorby, who was a notorious Thief, he, as Bailiff of Huntington, took him upon ſuſpition. I confeſs, that —— for contempts —— is general, yea it is genus generaliſſimum, and within the Petition of Right; but the words are, ——— againſt Our Self ——— It hath been ſaid, That this might be by irreverent words or geſtures. —— And Our Government ——— It hath been ſaid, that this might be by contempt to the Kings Writ, or by Retraxit, as Beechers caſe is. To this I anſwer, That thoſe words which are ſpoken to one purpoſe, ought not to be wreſted to another; and this is againſt the common meaning of the words, C. 4. Thou art a murderer, the Defendant ſhall not afterwards explain it to be a murderer of Hares, for the higheſt murder is intended. So here, the higheſt Government is intended. B C D

4. It hath been objected, that ——— for ſtirring up of Sedition againſt Us ——— may perhaps be but an offence Finable: But thoſe words joyned with the former words, ſhew this to be an offence of the higheſt nature; ſedition is a ſpecial contempt. And although ſedition in it ſelf may be but a general offence, yet here it is, ——— Sedition againſt Us and Our Government ——— which makes it particular. It hath been confeſſed by one, that argued on the other ſide, that there is a general in a particular. C. 4. Holland's caſe, there is the moſt general, and there is a general in particular, as the State Eccleſiaſtical. 3ly. There is more particular, as the Colledges, Deans, and Chapters. This being in a caſe of Return upon Habeas Corpus, no preciſe certainty is required. In an Indictment, a certainty of all circumſtances is requiſite; in Pleading, a certainty is required; in Counts, a more preciſe certainty; in Barrs, a certainty to a common intent is enough. There is not ſuch preciſe certainty E F

tainty required here as Indictment or Count, because the party ought to answer unto them; not so much certainty required in this as in a Bar. And the Return is not incertain; for, as it is said in Plowden, 202. and 193. a thing is incertain, where it may be taken indifferently, one way or the other. But where the intendment the one way exceeds the intendment the other way, it is not uncertain, as it is here. The words are, —for notable contempts against Us and Our Government, and for stirring up of sedition against Us— Here is certainty of intendment one way. There are many Writs which are more uncertain than this Return here is, and yet good. The Writ concerning the taking of an Apostate is general, Quod ipreto habitu ordinis; & yet there are more sorts of Apostasies; in the Writ concerning the amoving of a Leper, the words are general, and yet it appears by F. N. B. that there are two kinds of Lepers, one outward, and the other inward; & for the latter the Writ concerning amoving a Leper. So the Writs concerning the burning of an Heritick, & concerning the examining of an Idiot, are general; & yet there are sundry kinds of Heretichs and Idiots also. But it hath been objected, that [Sedition] is not a Law-term, nor known in the Law, of which the Judges can take no notice; but the words, to express offences of this nature, are Murder, Treason, Felony, &c. and that no Indictment of Sedition generally was ever seen. To this I answer, Perhaps it is true, that no Indictment was ever seen made, because the form of an Indictment is precise, words of Art are required therein, as appears in Dyer 69. 261. C. 4. Vaux's Case; yet in 5 E. 6. Dyer 69. it is said, that Furatus implies Felonicè cepit, although the contrary hath been objected. In a return, words by Periphrasis are sufficient. The Warrant of a Justice of Peace to apprehend J. S. because of prepensed malice, interfecit J. D. is good enough, although there wants the word murdravit. In 5 R. 2. F. Tryal 54. Belknap says, that a miscreant shall forfeit his Land. Out of which it may be gathered, that a man may be indicted for miscreancy. And it seems likewise, that an Indictment of sedition may be good, for in some Cases it is Treason. I agree Peak's Case, which hath been objected, that for these words, [seditious fellow] no action lies; and so is C. 4. 19. b. because those words do not import an Act to be done, but only an inclination to do it; but if a man say such words of another, which import that he hath made sedition, they are actionable, as it was resolved in Philips and Badby's Case. 24 Eliz. C. 4. 19. a. Thou hast made a seditious Sermon, and moved the people to sedition this day, adjudged actionable. So in the Lord Cromwel's C. 4. 12, 13. the action would have lain for those words, You like of those that maintain sedition against the Queens proceedings, if there had not been another matter in the case. I agree, the case of 21 E. 3. Sir John Garboyl's case, & 42 E. 3. for in those cases, sedition was only taken adjectively, & shews an inclination only to do a seditious act, & in such sense, sedition may be applied to other offences than Treason. In 31 E. 1. f. gard. 157 Gardein in Socage made feoffment of land which he had in Ward, This is forfeiture says the Book, for the Treason which he did to the Ward; so there, one thing is called Treason, which is onely a breach of trust. In an appeal of Mayhem, it is felonicè, and yet 6 H. 7. 1. it is not Felony: But Felony is there onely put to express the heinousness of the offence, it is, as it were, a Felony. The Statutes of 2 H. 4. 1 Mar. 13 Eliz.

13 Eliz. 35 Eliz. 17 R. 2, 3 & 4 E. 6. 14 Eliz. which have been objected, have the word [Sedition] but not appliable to this case. Bracton in his Book de Corona, says, Si quis, &c. If any by rash attempt, plotting the Kings death, should act, or cause any to act, to the sedition of the Lord the King, or of his Army, it is Treason. And Glanvil, in as many words, says, That to do any thing in sedition of the Kingdom, or of the Army, is high Treason. And Britton. fol. 16. It is high Treason to disherit the King of the Realm, and sedition tendeth to the disinheritance of the King; for, as it hath been said, Seditio est quasi seorsum-itio, when the People are severed from the King: or it is, Separans à ditione, when the People are severed from the power of the King. And in this sence, Sedition is no stranger in our Law; and such sedition which severs the People from the King, is Treason. A

But it hath been objected, That by the Statute of 25 E. 3. the Parliament ought onely to determine what is Treason, what not. To this I answer, That upon the said Statute, the positive Law had always made explication and exposition, Br. treason 24. the words are, Compass or imagine the death of the King; and there it is taken, that he that maliciously deviseth how the King may come to death, by words or otherwise, and does an act to explain it, as, in allaying harnels, this is treason, 13 Eliz. Dy. 298. Doctor Story's Case, he being beyond Sea, practised with a foreign Prince to invade the Realm, and held Treason, because invasion is to the peril of the Prince, and so within the Statute of 25 E. 3. 4. Mar. Dy. 144. The taking of the Castle of Scarborough was treason in Stafford by 30 ass. p. 19. which was presently after the making of the Statute of 25 E. 3. A man ought to have been hanged and drawn, that brought Letters of excommengement from the Pope, and published them in England: and it is to be noted, that at the same time there was no Statute to make it Treason, but upon construction of the said Statute of 25 E. 3. though now it be made Treason by the Statute of 13 Eliz. if it be with intention to advance foreign Power. Perhaps the Sedition mentioned in this Return is High Treason, and yet the King may make it an offence finable, for he may prosecute the offender in what course he pleaseth; and if it be Treason, then the Prisoners are not bailable by the Statute of Westm. But, suppose that it is but a finable offence, yet by the said Statute, those which are imprisoned for open and notorious naughtiness, shall not be bailed, the same naughtiness is there intended high and exorbitant offence. B C D

2. It is fit to restrain the Prisoners of their Liberty, that the Common-wealth be not damnified. It is lawful to pull down a House, to prevent the spreading mischief of Fire; it is lawful to restrain a furious man. And by the 14 H. 7. a Justice of Peace may restrain one rout. Then the restraint of dangerous men to the Common-wealth is justifiable and necessary, 24 E. 3. 33. p. 25. Sir Thomas Figet went armed in the Palace, which was shewed to the King's Council; wherefore he was taken and disarmed before the Chief Justice, shar'd and committed to the Prison, and he could not be bailed till the King sent his pleasure; and yet it was shewed, that the Lord of T. threatned him. Out of which Case I observe two things: First, That the Judge of this Court did cause a man to be apprehended, upon complaint made to the Coun- E F

Council, that is, to the Lords of the Privy Council. 2. That although he did nothing, he is not main-pernable until the King sent his pleasure, because he was armed and furiously disposed. So here. Wherefore I pray, that the Prisoners may be sent back again.

Davenport argued to the same intent and purpose, and therefore I will report his argument briefly.

Sergeant *Davenport*'s argument against *Stroud* and *Long*.

A 1. He said, That the Return here is sufficient. The Councel on the other side have made fractions of this Return, and divided it into several parts, whereas the genuine construction ought to have been made upon the entire return; for no violence ought to be offered to the Text. 7 E. 4. 20. In false imprisonment, the Defendant did justifie, and alledged several reasons of his justification; to wit, because a man was killed, and that this was in the County of S. and that the common voice and fame was, that the Plaintiff was culpable. And this B was held a good plea, although Bryan did there object, That the plea was double or treble; and the reason was, because twenty causes of suspicion make but one entire cause; and indivisible unity in this ought not to be divided: So C. 8: 66. Crogates. In an action of Trespass, the Defendant justifies for several causes, and held good, because upon the matter, all of them make but one cause. C. 8. 1. 17. It is said, That it is an unjust thing, unless the whole Law be look'd into, to judge and answer, by propounding any one particular thereof; and if it C be unjust in the exposition of a Law, it is uncivil in a Return to make fractions of it, in the construction thereof especially, it being a Return for Information, and not for Accusation.

2. Although the Councel on the other side have taken this Case to be within the Petition of Right, yet this is Petitio pincipii, to take that for granted which is the question in debate. He said, That he would not offer violence to the Petition of Right, to which the King had assented, and which shall really be performed. But the question here is, D Whether this return be within it? and the Judges are Kapers, not Masters of this Pledge; and it seems, that this Return is out of the Letter and meaning of the said Statute.

3. He said, That this was the actual commitment of the Lords of the Privy Council, and the habitual or virtual commitment of the King. But because upon these two matters he put no case, nor gave any reason, but what had been put or given in the argument of the grand Habeas Corpus, Mich. 3. Caroli, and afterwards in the House of E Commons, which was reported to the Lords in the Painted Chamber, (all which arguments I heard) I have here omitted them. And for the great respect which the Law gives to the commands of the King, he put these cases, 7 H. 3. Attachment of Waste against the Tenant in Dower, and the Waste was assigned in the taking of Fish out of a Pond, and the carrying them away. And the Defendant pleaded, That her second Husband, by the command of the Lord the King, took all the Fish out of the said Pond to the use of the Lord the King, F and held a good justification; which proves, that the command of the King there to her Husband, excused her of the said Waste. And yet it is clear, that Tenant in Dower is liable to an Action of Waste, for Waste done in the time of her second Husband: But contrary is it, where a Woman is Tenant for Life, and took a Husband, who made Waste and

dyed, no action lies against the Wife for that Waste. And F. N. B 17. A. If the Tenant in præcipe at the grand cape makes default, the King may send a Writ to the Justices, rehearsing that he was in his service, &c. commanding them, that that default be not prejudicial to him; and this command of the King excuseth his default, be the cause true or no.

4. For the particulars of the Return, it is——for notable contempts against the Government——But as to that, it hath been said, that the King hath sundry Governments, to wit, Ecclesiastical, Political, &c. and it is not shewn, against which of them. This is but a cavilling exception; they might as well have excepted to this Return, because it is not shewn, that these contempts were after the last general Pardon; that had been a better exception. The last words of the Return are,——raising sedition against Us——But as to this it hath been said, That Seditio is not a word known in the Law, and is always taken either Adverbially, or Adjectively, and is not a Substantive. To this he said, That although it is not a Substantive for the preservation, yet it is a Substantive for the destruction of a Kingdom. And he said, That he found the word [Seditio] in the Law, and the consequent of it likewise, which is, seductio populi. But it is not ever found to be taken in a good sense, its always ranked and coupled with Treason, Rebellion, Insurrection, or such like, as it appears by all those Statutes, which have been remembred on the other side. Therefore he prayed likewise, that the Prisoners might be sent back.

A B C

Trin. 5 *Car.* B. R.

Mr. *Littleton's* argument for Mr. *Selden.*

The first day of the Term, upon Habeas Corpus to Sir Allen Apsley the Lieutenant of the Tower, to bring here the Body of John Selden Esq; with the Cause of detention. He returned the same cause as above; and Littleton, of Counsel with him, moved, That the Return was insufficient in substance; therefore he prayed, that he might be bailed. It is true, that it is of great consequence, both to the Crown of the King, and to the Liberty of the Subject. But under favour, for the difficulty of Law contained in it, the Case cannot be said Grand. In my Argument, I will offer nothing to the Court, but that which I have seen with these Eyes, and that which in my understanding (which is much subject to mistakes) can receive no sufficient Answer.

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I will divide my argument into four several Heads. E

1. To point out those matters which I think unnecessary, and not conducible to the matter in question.

2. I will consider the Warrant of the Privy Council in this Case.

3. The Warrant of the King himself.

4. The objections which have been made by the contrary side, the strength of them, and give answer to them.

For the first of these Heads, 1. I will admit, that the King may commit a man. 2. That a man committed by the King is not repleviable by the Sheriff, but he is Bailable by this Court, notwithstanding the Statute of Westm. 1 C. 15. And that he shall not be Bailable, is against the Petition of Right; I will

will not diſpute it, for it is eſtabliſhed by the Anſwer of the King to the ſaid Petition. And the Arguments made to this purpoſe in the ſaid Parliament, and in the painted Chamber before both the Houſes, are recorded in Parliament, to which every one may reſort. But I will lay as a ground of my following Argument, that as offences are of two natures, Capital, or as Treſpaſſes; ſo they are puniſhed in two manners, to wit, Capitally, or by Fine, or Impriſonment. A For the offences of the firſt nature, as Treaſons, and the like, Impriſonment is impoſed upon the Offender, onely for Cuſtody; but for miſdemeanors of the ſecond nature, Impriſonment is impoſed upon him for a puniſhment. Then this is my ground, That no Free-man that is impriſoned, only for miſdemeanor before conviction, may be detained in Priſon without Bail, if it be offered, unleſs it be in ſome particular caſes, in which the contrary is ordained by any particular Statute.

B 2. For the Warrant of the Privy Council, which ſignifies the pleaſure of the King to commit the Priſoner; perhaps this was a good ground of the Commitment, but it is no ground for the detaining of the Priſoner without Bail; and this the King himſelf hath acknowledged, as the ancient Right of the Subject, in the Petition of Right; wherefore it is not now to be diſputed.

3. For the Warrant of the King, as it is certified by this Return, there is not any ſufficient cauſe contained within it, for the detaining C of the Priſoner in priſon; for the Law being, as I have declared above, that for a miſdemeanor before Conviction, no Free-man may be impriſoned before Conviction, without Bail or Mainprize, the ſole queſtion now is, If this Return contain within it any capital offence; or if only a Treſpaſs or Miſdemeanor, and then the Party is Bailable: And for the diſquiſition hereof, I will conſider the Return, 1. As it is divided in ſeveral parts: 2. I will conſider all thoſe parts of it together. 1. As it is ſevered in parts. The firſt part of it, [for notable contempts by him committed againſt Our Self and Our Government] D For [contempts] all contempts are againſt the King, mediately, or immediately, and againſt His Government. [Notable] this is all one with notorious and manifeſt, as appears by the Statute of Weſtm. 1. cap. 15. and 26 E. 3. 71. Which hath been remembred. And [Notable] is but an emphatical expreſſion of the nature of the thing, and alters it not. [Againſt us] All Riots, Routs, Batteries, and Treſpaſſes, are againſt Us, & againſt Our Crown and Dignity; contempt E againſt any Court of Juſtice, is a contempt againſt Us. But if the Return were made here, that he was committed for a contempt made in Chancery, the Party ſhall be Bailed, as it was reſolved in this Court in Michael Apſley's Caſe, and in Ruſwel's Caſe, 13. Jac. for the Return is too general. C. 11. 98. In it the nature of the offence ought to be expreſſed, that the Court may judge thereof. And [contempts] here is individuum vagum; therefore for them, before conviction, the Party cannot be impriſoned without Bail or Mainprize.

F The ſecond part of the Return is, [And for ſtirring up of ſedition againſt Us] The other ſide ſaid, That [Seditio] is ever taken in the worſt ſence. That is true. But hence it follows not, that the Party that commits it is not Bailable. Every ſmall offence is taken in the worſt ſenſe, as the ſtealing of an Apple, and the like; but ſuch kind of

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offenders ſhall not be committed without bail. To examin the nature of this offence, which is called [Sedition] it ought to be underſtood, as this return is, either as Treſpaſs, or as High Treaſon; for it cannot be intended to be Petty Treaſon; for petty-Treaſon is ſo called, in reſpect of the offence done to any particular ſubject; but in reſpect of the King, it is but as a Felony, therefore the indictments for the ſame are Feloniouſly and Traiterouſly. And here the words are,—ſedition againſt Us— ſo of neceſſity it ought to be intended of an offence, that more immediately concerns the King. For the diſcuſſing of this matter, Firſt, I will conſider in what ſence and ſignification this word [Seditio] is uſed. A

2. How it ſhall be expounded here by the relation thereof to the King.

3. What ſence theſe words [againſt Us] ſhall have here.

1. For Sedition; it is not found in the diviſion of offences in our Law, but as it is mingled and coupled with other offences. No Indictment of Sedition onely was ever ſeen, nor can be ſhewn; Routs, Riots, and unlawful Aſſemblies, are much of the ſame nature with it, and do well expreſs the nature of Sedition. The Engliſh word is drawn from the word [Seditio] in Latine, and the derivation of it is, as hath been obſerved, Se-itio, or Seorſum-itio; and the ſeditious (as one ſays) take a diverſion, and draw others: It is uſed in the Bible, in Poets, Hiſtories, and Orators, for a Tumult, or Hurly-burly, or Uproar, or confuſed noiſe, ——Seditioque recens dubioque ſuſurrò, in Liv. lib. 2. cap. 44. And in Tacitus it is taken for Mutiny in an Army, when the Army is always repining at the Captain. In the Italian Language, which is the elder ſon of Latine, Sedition and Diſcord is all one, Numb. cap. 20. 3. the Latine Tranſlation is, Verſi in ſeditione; the Engliſh is chode, or murmured. Numb. 26. 9. the Latine is, In ſeditione Corah; the Engliſh is, In the company of Corah. Numb. 27. 3. the Latine is, Nec fuit in ſeditione eorum; the Engliſh is, In the company or aſſembly of them. Judg. 12. 1. the Latine Tranſlation is, Facta eſt ergo ſeditio in Ephraim; the Engliſh Tranſlation is, The men of Ephraim gathered themſelves together. In the New Teſtament, Acts 19. 40. Sedition in the Latine is tranſlated Uprore, or Meeting. Acts 15. 2. Facta eſt ergo ſeditio, &c. and it is tranſlated Diſſention, and Diſputation. Acts 24. 5. Tertullus the Orator accuſeth Paul for moving ſedition; and the ſubſequent words are, A ring-leader of the Sect of the Phariſees; ſo that his ſedition there was but a ſchiſm: And the words there are in a manner the very ſame with ours here; there it was, for moving; here, for ſtirring of ſedition. Seditio, as an approved Authour ſays, imports diſcordiam, to wit, when the members of one body fight one againſt another. The Lord of St. Albans, who was lately the Lord Chancellor of England, and was a Lawyer, and great ſtates-man likewiſe, and well knew the acceptation of this word [Sedition] in our Law, hath made an Eſſay of Sedition, and the Title of the Eſſay is, Of Seditions and Tumults. The whole Eſſay deſerves the reading. And there is a Prayer in the Litany,——From Sedition and Hereſie, &c. So that here Sedition is taken as a kind of Sect. B C D E F

This being the natural ſignification of the word, then the next labour ſhall be to ſee, if any thing in our Law croſs this expoſition. And it ſeems clearly, that there is not. 2 H. 4. cap. 15. And it is in the Parliament-Roll, numb. 48. againſt Lollards, who at that time were taken

taken as Heretiks, says, That such Preachers which excite and stir up to sedition, shall be convented before the Ordinary, &c. There, sedition is taken for dissension and division in Doctrine. And this is not made Treason by the said Statute, although the said Statute be now repealed by the Statute of 25 H. 8. c. 4. 1 and 2. Phil. & Mar. c. 3. which is in Rastal, News 4. which is an act against seditious words and news of the King and Queen, which is a great misdemeanor; and yet the punishment appointed to be inflicted by the said Statute, is but the Pillory, or a fine of 100 l. And the said Statute, by the Statute of 1 Eliz. c. 16. was extended to her also, which Statute now by her death is expired: which I pray may be observed, 13 Eliz. cap. 1. against those, who seditiously publish who are the true Heirs of the Crown, that they shall be imprisoned for a year, &c. And 13 Eliz. c. 2. the seditious bringing in of the Popes Bulls is made Treason, which implies, that it was not so at the Common Law, 23 Eliz. c. 2. If any person shall devise, write, or print any Book, containing any false, seditious and slanderous matter, to the stirring up or moving of any rebellion, &c. every such offence shall be adjudged Felony. And in an Indictment upon the said Statute, (which see Cooks Entries, f. 352, 353.) there are the words—rebellionem & seditionem movere; and yet it is but Felony, 35 Eliz. c. 1. made against seditious Sectaries. Also there are certain Books and Authorities in Law, which express the nature of this word Sedition, C. 4. 13. the Lord Cromwel's Case. In an Action for those words, You like of those that maintain seditions against the Queens proceedings, the Defendant pleaded, That he intended the maintenance of a seditious Sermon; and this was adjudged a good plea and justification. From which it follows, that the Seditious Sermon mentioned in the Declaration, and the maintaining of sedition against the Queen, is all of one signification; for if they might have been taken in a different sense, the justification had not been good. Philips and Badby's Case, which is in C. 4. 19. a. which was objected by Sergeant Berkley, makes strongly for me; for there an action upon the case was brought by a person, for those words, [Thou hast made a seditious Sermon, and moved the people to sedition this day.] And although it were there adjudged, that the action lay, yet the reason of the Judgment is observable, which was, because the words scandalize the Plaintiff in his profession; which imply that if they had not scandalized him in his profession, no action would have lain. And ordinary words, if they scandalize a man in his profession, are actionable; as to say to a Judge, that he is a corrupt man; or to a Merchant, that he is a Bankrupt; although if they were spoken to another man, they would not bear an action. And although the Book say, that no act followed there; yet if the matter objected had been treason, the very will had been punishable, &, by consequence, a great slander. But it is observed, that words which imply an inclination only to sedition, are not actionable, as Seditious Knave; but inclination to treason, is treason, therefore words which imply it are actionable. And also for divers words, an action upon the case will lie, which induce not Treason or Felony; as, for calling a Woman Whore, by which she loseth her Marriage, and such like. Then sedition is no offence in it self, but the aggravation of an offence; and no Indictment (as I have said afore) was ever seen of this singly by it self. Tr. 21. E. 3. roll. 23. Sir John Garbut's Case, which was put before by Mason'

ſon, the Indictment was in prejudice of his Crown, and in manifeſt ſedition, and yet the offence there was but a Robbery. It is true, that upon his arraignment he ſtood mute, therefore the roll is, that he was put to pennance, that is, to ſtrong and hard pain; & this proves, that it was not treaſon; for if a man arraigned of treaſon, ſtand mute, yet the uſual judgment of treaſon ſhal be given on him. And it is true alſo that he cannot have his Clergy, becauſe inſidiator viarum was in the Indictment; which if it was, outs the Party of its Clergy, until the Statute of 4 H. 4. c. 2. as is obſerved in C. 11. Alexander Poulter's Caſe. And upon the ſame Roll of 21 E. 3. there are four other Indictments of the ſame nature, where [Seditiosè] is contained in them. Anno 1585. Queen Elizabeth ſent a Letter (which I have ſeen by the hands of the noble Antiquary, Sir Robert Cotton) to the Mayor of London, for the ſuppreſſing of divers ſeditious Libels, which were publiſhed againſt her Princely Government; and yet in the concluſion of the Letter it appears, that they were onely againſt the Earl of Leiceſter, and this was to be publiſhed onely by Proclamation in London.

5 H. 4. numb. 11. and 13. The Earl of Northumberland preferred a Petition to the King in Parliament, in which he confeſſeth, that he had not kept his Majeſties Laws as a liege Subject; & alſo confeſſeth the gathering of power, and the giving of Liveries: wherefore he petitioned the worſhip of the King (for ſo are the words) for his grace. The King upon this Petition, demanded the opinion of the Lords of Parliament, & of the Judges aſſiſtant, if any thing contained within the ſaid Petition were treaſon, or no; and it was reſolved by them all, that nothing as it is mentioned in the ſaid Petition was treaſon, but great miſdemeanors; & yet truly, tho' not fully there mentioned, it was a great rebellion & inſurrection. But they adjudged according to the ſaid Petition, as you are now to judge upon the Return, as it is made here. In Mich. 33 Eliz. Cawdry's Caſe, Sedition & Schiſm were deſcribed, As Schiſm is a ſeparation from the unity of the Church, ſo Sedition is a ſeparation from the unity of the Common-wealth. And an Author ſays, That a ſeditious perſon differs from a ſchiſmatick, becauſe the one oppoſeth the ſpiritual truth, the other the temporal: And as Schiſm of it ſelf is not Hereſie, ſo Sedition without other adjuncts is not Treaſon. Bracton, f. 112, 113, 118. hath been objected, that he makes Sedition Treaſon: I will grant to them, Hengham alſo, who is to the ſame purpoſe; for in thoſe Books it is called, Seditio Regis & Regni. To them I anſwer, 1. That they are obſcure. For what ſignifies ſeditio Regis, or tumultus Regis? ſhall it be the ſame thing in ſence with ſeditio contra Regem? It ſeems that the ſaid Authors neither remember Law nor Language. 2. Although they reckon Sedition amongſt the crimes læſæ Majeſtatis, yet that is not to be regarded; for they are obſolete Authors, and are not eſteemed as Authors in our Law, as it is in Pl. 356. and C. 8. 35. but they may be uſed for ornament, and they are good marks to ſhew to us, how the Law was then taken, but not to declare how the Law is at this day; they are no binding authority; and if they be, yet we have them of our ſide likewiſe: For in his 14 Book Glanvil ſays, That a man accuſed of ſuch a crime ſhall be bayled, and that the Accuſer ſhall give pledges. And Bracton ſays, That if no Accuſer appears, they ſhall be ſet at liberty. And Hengham reckons

reckons amongſt the crimes læſæ Majeſtatis, the breach of the Peace, and ſo does Glanvil alſo. Fleta, who was a follower of Bracton, and tranſcribes much verbatim out of him, calls Sedition, Seductionem of the Lord the King. And 12 Edw. 1. the Statute of Rutland, which preſcribes Laws for Wales, enacts, That the Sheriff ſhall enquire in his Turn, de ſeductoribus Domini Regis; and it is not apparent, whether he intend thoſe which ſeduce the King or his People. And in latter times, Seditio is called Sedutio. In the time of Henry the Seventh, the Earl of Northumberland, being a great and potent Peer, and the King ſtanding in awe of him, cauſed him, with twenty four others of great quality, to enter into an Obligation of Twenty thouſand pounds (which obligation is in the hands of Sir Robert Cotton) unto him, That if the ſaid Earl knew Treaſon, Sedution, Loſs, &c. to be intended to the King, that he ſhould reveal it.

3. Alſo, Crimen læſæ Majeſtatis, which is the phraſe of the Civil-Law, is more general than Treaſon; and the old Authors, which have been cited much, follow the Civill-Law, which hath this expreſſion; and Sedition by the Civil-Law is Treaſon. But it was reſolved, 11 R. 2. n. 14. We are not governed by the Civil-Law. And the Mirrour of Juſtices, the principal Copy whereof is in Benet-Colledge Library in Cambridge, and there is alſo a Copy in Lincolns-Inne Library. Nor Britton in his Book, who writ in the name of the King, have not the word Seditio in them. And I affirm confidently, that there cannot be ſhewn any Record, Book, or Statute, after the making of the Statute of 25 Edw. 3. in which Sedirio is taken as a capital offence. And yet the Mirrour of Juſtices reckons up ſeveral kinds of Treaſons, which he divides into Treaſons againſt the Celeſtial or Terreſtrial Majeſty; againſt the Celeſtial Majeſty, as Schiſm, Hereſie, Miſcreancy, (and according to this, the Book of 5 R. 2. Trial 54. is to be underſtood, which ſays, That a Miſcreant ſhall forfeit his Lands, becauſe it is a kind of Treaſon.) And alſo he ſhews divers Treaſons againſt the King, as, The deflouring of the Kings eldeſt Daughter, &c. but not a word of Sedition. But admit, that Sedition imports a greater offence then Tumult, yet there is no colour to ſay, that it is Treaſon; for 25 Edw. 3. is a flat Barre (that I may uſe the Inner-Temple phraſe) to any thing to be Treaſon, which is not contained in it, unleſs it be made Treaſon by any ſpecial Act afterwards, and 25 Edw. 3. does not make it Treaſon. Stamford cites Glanvil, and Bracton, and other ancient Books, to ſhew what was Treaſon before the ſaid Statute, and what not: And he ſays, That it was a great doubt what ſhall be ſaid Treaſon; ſaving that all agree, that any thing that tends to the death of the King was Treaſon. 3ly. Now examine the words ——againſt Us —— thoſe words make not the crime more heinous, as the caſe is. I agree, that if the words had been, ——Sedition to take away the life of the King—it would have been Treaſon; yea, the very thought of Treaſon is Treaſon, (though none can judge thereof till it be produc'd in act) 19 H. 6. 47. b.

See *Forteſcue*, f. 115. the which was not cited there never Sedition, Striſe, or Murmur is heard.

by Newton, 13 Jac. B. R. John Owen's case, the writing of a Letter, whereby he intended the death of the King, was treason; but it is not expressed, that the raising of this sedition was with such intent, whereby this differs from all the cases which can be put, in which there is such an intent of the death of the King. Also this raising of sedition against Us, shall not be intended treason; for if it had been so, the King would have so expressed it by the word Treason: For, as in his gracious disposition, he will not extend a fault beyond the magnitude thereof, so he will give to every offence the true and genuine name. If the Return had been, ——— against Our Person ——— it had been more certain, that it concerned the King immediately; this, may be against any point of his Government. And the proper and natural signification of the words, ——— against Us ——— is as much as, Against Our Authority, Our Superintendency, against Our Peace, Crown, and Dignity, which are the usual words in every Indictment of Felony, Every breach of the Peace is against the King. The usual Return upon every ordinary Writ out of this Court, is, That the party be before Us; and contempt to this Court is, Contempt against Us, and it is in the nature of sedition to the King. Contempts to the Court of Star-chamber, are contempts against Us; and upon them, Commissions of Rebellion issue; and if the parties are brought in upon such Commissions, yet they are bailable until their conviction. The King styles himself, Us, in Writs and every disobedience to any Writ may be said, Sedition against Us. Routs, Riots, illoyal Assemblies, may well be said and called, Sedition against Us: And for such offences, a man shall not be restrained of his liberty upon an [it may be] Such a return is necessary, by which the Court may be truly informed of the offence. For the Writ of Habeas Corpus is, to submit and receive what the Court shall ordain. And this Return of this nature is not to be compared to Writs which are general, and make a brief narration of the matter, and are pursued and explained by subsequent declarations. And yet I urge not, that the Return ought to be as certain as an Indictment; for an Indictment of Murder is not good; if it lack the word Murdravit. But the Return upon an Habeas Corpus, q. d. interfecit I. S. upon prepensed malice, is good; for the nature of the thing is expressed, altough the formal word be wanting; but out of the Return, the substance of the offence ought allways to appear, which appears not here. But it hath been said by the other side, That, let the cause in the Return be as it will, yet is it not traverseable, 9 H. 6. 54. and I confess it. But as C. 11. James Baggs case is, the Return ought to have certainty so much in it, that, if it be false, the party grieved may have his action upon the case. And the grievance complained of in the Petition of Right is, That upon such return no cause was certified, that is, no such cause upon which any Indictment might be drawn up; for we never understand, that the party shall be tried upon the Habeas Corpus, but that upon the matter contained within it, an Indictment shall be made, and he shall have his trial upon it. And yet it is clear; and it hath been agreed of all hands

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hands, in the Argument of the grand Habeas Corpus, Mich. 3. Car. in this Court, that if the cauſe be certified upon the Return of the Habeas Corpus, that the Court may judge of the legality of that cauſe. 2. Conſider the parts of this Return, as they are coupled together, ——for notable contempts by him committed againſt Our Self and Our Government, and for ſtirring of ſedition againſt Us——Upon the entire return, the King joyns Sedition with notable contempts, ſo that it is as much as if he had ſaid, that Sedition is one of the notable contempts, mentioned in the firſt part of the Return, ſo that he makes it but a contempt. For the generality and incertainty of the Return I refer my ſelf to the Caſes put by Mr. Ask, and I will not wave any of them. True it is, if the Return had been, that it was for Treaſon, he had not been bailable but by the diſcretion of the Court, and ſuch Return would have been good; but it is not ſo of Sedition. Gard. 157. Treaſon is applied to a petty offence, to the breach of Truſt by a Guardian in Socage; but it is not Treaſon. And ſo Sedition is of far leſs nature than Treaſon, and is oftentimes taken of a Treſpaſs; it is not Treaſon of it ſelf, nor ſeditoſè was never uſed in an Indictment of Treaſon. It was not Treaſon before the 25 of Edw. 3. nor can it be ſtat Treaſon: for 25 Edw. 3. is a Barre (as I have ſaid before) to all other offences to be Treaſon, which are not contained within the ſaid Act, or declared by any Statute afterwards. And there are offences which are more hainous in their nature than Sedition is, which are no Treaſon, as Inſurrections, &c. which ſee in the Statute 11 H. 7. cap. 7. 2 H. 5. cap. 9. 8 H. 6. cap. 14. 5 R. 2. cap. 6. 17 R. 2. cap. 8. and by 3 and 4 E. 6. cap. 5. the Aſſembly of Twelve perſons to attempt the alteration of any Law, and the continuance together by the ſpace of an hour being commanded to return, is made Treaſon; which Act was continued by the Statute of 1 Mar. cap. 12. and 1 Eliz. cap. 16. but now is expired by her death, and is not now in force, (although the contrary be conceived by ſome) which I pray may be well obſerved. By the Statute of 14 Eliz. cap. 1. rebellious taking of the Caſtles of the King is made Treaſon, if they be not delivered, &c. which ſhews clearly, that ſuch taking of Caſtles in its nature was not Treaſon. But the ſaid Statute is now expired; and alſo all Statutes, creating new Treaſons, are now repealed. But, for a concluſion of this part of my Argument, I will cite a Caſe, which I think expreſs in the point, or more ſtrong than the Caſe in queſtion; And it was M. 9. E. 3. roll. 39. B. R. Peter Ruſſel's Caſe; He was committed to Priſon by the Depuſy-Juſtice of North-Wales, becauſe he was accuſed by one William Solyman of Sedition, and other things touching the King: And hereupon a Commiſſion iſſued out of the Chancery, to enquire, if the ſaid Peter Ruſſul behaved himſelf well or ſeditiouſly againſt the King; and by the inquiſition it was found, that he behaved himſelf well. And upon an Habeas Corpus out of this Court, his Body was returned, but no Cauſe. But the ſaid Inquiſition was brough hither out of Chancery, and for that no cauſe of his caption was returned, he prayed delivery: but the Court would not deliver him, till it knew the cauſe of his Commitment: Therefore (taking no regard of the ſaid Inquiſition) they now ſend a Writ to the now Juſtice of Wales, to certifie the cauſe of his commitment. And thereupon he made this Return, That the foreſaid Peter Ruſſel was taken, becauſe one William Solyman charged

him, that he had committed divers ſeditions againſt the Lord the King; and for that cauſe he was detained, and for no other. And becauſe the Return mentions not what ſedition in ſpecial, he was bailed, but not diſcharged. And I deſire the bailment of the Priſoner only, and not his deliverance. I deſire that the Caſe be well obſerved. In the ſaid Caſe, there was an actual ſedition againſt the King; here is only a ſtirring up of ſedition. The words of the ſaid Award are, Videtur curia; which are the ſolemn words of a Judgment, given upon great deliberation. There it was,——for other things concerning Us——This is all one as if he had ſaid,—— for other things againſt us——Concerning the King, and, againſt the King, are all one, as appears by 25 E. 3. C. 4. de Clero Stamf. 124. Weſtm. 1. c. 15. Bracton, f. 119. 14. Eliz. c. 2. And the words of the Judgment in the ſaid caſe, where not,——dimittitur——but,—— ideo dimittendus——which imply the right of the Party to be bailed. The ſaid caſe in ſome things was more particular than our caſe, and more ſtrong; for, there was an Accuſer to boot, which wants in our caſe. There, true it is, that he was committed by the Juſtice of Wales, and here by the King himſelf; but this makes no difference, as to this Court: for, be the Commitment by the King himſelf, or by any other, if it be not upon juſt cauſe, the Party may be bailed in this Court. And for the Inquiſition, which is mentioned, it was no Trial in the caſe; nor did the Court give any regard thereto. To detain the Priſoner by the comand of the King ſingly, is againſt the Petition of Right; but it being coupled with the Cauſe, the Cauſe is to be conſidered, and the truth of the Cauſe is to be intended, as well where it is mentioned to be by an inferiour Judge, as whereby the King himſelf, for it is traverſable neither in the one nor other. And 22 H. 8. roll. 37. B. R. and 1 H. 8. roll. 8. Harriſon's Caſe reſolv'd, That a man committed by the command of the King, is bailable. And 33 Eliz. it was reſolved by all the Juſtices of England, which I have viewed in Chief Juſtice Anderſon's Book, under his own hand, and it was produced in Parliament, That all men committed by the Priv Council are bailable, if the Commitment be not for High Treaſon. In all caſes of Commitment, an Accuſer is underſtood. Suppoſe that the acculation mentioned in Ruſſel's Caſe of Sedition, had been an acculation of Treaſon, then the Judges ought not to have bailed him of right, and no man will ſay, but that the ſaid accuſation was a good cauſe to commit him. But the diſcovery of the offence ought to be afterward in an Indictment.

Fourthly, I come to the objections which have been made on the contrary.

1. It was objected, That this was a caſe of great conſequence. I confeſs it, but this conſequence is not to the King; for if it be truly Treaſon, then they might have returned Treaſon, and then the Party was not to be bailed of right, till there ſhould be a failer of proſecution; as was lately in Melvin's Caſe, who was bailed for lack of proſecution; the Return being for High Treaſon.

2ly. It was objected, That there can be no conviction, as this caſe is, therefore there ought to be coercive power to reſtrain the Priſoner. This

is

is ſtrange news to me, that there ſhall be any offence for which a man cannot be convict. And if there can be no conviction, it hence follows, that there is no offence; and if there be no offence, there ought by conſequence to be no impriſonment.

3ly. The Caſe of 14 H. 7. 8. hath been objected, that a Juſtice of Peace may commit Rioters without bail. I confeſs it, for this is by force of a Statute which ordains it.

A 4ly. It hath been objected, That if an houſe be on fire, it is lawful to pull down the neighbours houſe, for the prevention of further miſchief; and the Caſes of 22 aſſ. and 22 E. 4. that every man may juſtifie the coercion of a mad-man. I anſwer, that theſe Caſes are true, for of neceſſity, and no other evaſion: but here, bail is proffer'd, which is, body for body. Fire is ſwift, and cannot be puniſhed, and no caution can be obtained thereof. But obſerve the true inference and conſequence of this Argument, If my houſe be on fire, my neighbours houſe muſt be
B pulled down; Mr. Selden is ſeditious, ergo, Mr. Herbert his neighbour muſt be impriſoned.

5ly. It hath been objected out of Br. Treaſon, 24. 1 Mar. That the ſaid Statute of 25 E. 3. is taken largely, and that the detaining of a Caſtle or Fortreſs is Treaſon. To this I anſwer, that the bare detaining of a Caſtle is not Treaſon, unleſs it be with intention of the death of the King; but the taking of a Caſtle is Treaſon. And the Caſe there meant by Brook, is Conſtable's Caſe, Dy. 128. And I confeſs, 13
C Eliz. Dy. 298. Doctor Story's Caſe, that conſpiracy to invade the Kingdom, is Treaſon; for this cannot be without great danger of the death of the King; for, —— arma tenenti, Omnia dat qui juſta negat —— and all thoſe Indictments were, that they intended the death of the King; but no ſuch intention is expreſſed here.

6ly. It hath been objected, That this Caſe is out of the Petition of Right, becauſe in this Return there is a cauſe ſhewed. But the grie-
vance whereupon the Petition of Right was framed, was, where no
D cauſe was returned. It is true, that the grievance goes no further, but where no cauſe was returned, for that was the grievance at that time. But the words of the Petition of Right are further, ——— without being charged with any thing, to which they might make anſwer by the Law ——— which implies, that ſuch cauſe ought to be contained in the Return, which being put into an Indictment, the Party may have his Anſwer thereto.

7ly. It was objected, That the Return ſhall not be conſtrued and ex-
E pounded by fractions. I anſwer, That we need not make ſuch an expoſition; for the joynt-conſtruction thereof makes more for us, then the ſeveral, as is ſhewed before.

8ly. That a general Return is ſufficient, and it need not have terms of Art in it, as an Indictment ought to have. For anſwer, I confeſs it; but I affirm, as above, that a Return ought to be ſo particular, that the nature of the offence ought to appear out of it: and it is not to be compared to general Writs, as, Apoſtatâ capiendo, Idiotâ exami-
F nando, Leproſo amovendo, and the like: for thoſe Writs are good enough, becauſe they contain the very matter. And although it hath been ſaid, that there are two kinds of Lepers, yet I never heard but of one. And the Writ de Heretico comburendo, is general, and good, becauſe,

because it is but a Writ of execution upon a Judgment, given by the Spiritual power. But because they might not meddle with the blood of any man, the execution is by the Secular power.

9ly. It hath been objected out of 30 ass. p. 19. that the King would have one drawn and hanged, for bringing into England the Bulls of the Pope. But the Book answers it self, for he was not drawn and hanged.

10ly. The Statute of Westm. 1 cap. 15. was objected. But as oft as that Statute is objected, I will always cry out, The Petition of Right, The Petition of Right! as the King of France cried out nothing but France, France! when all the several Dominions of the King of Spain were objected to him.

11ly. A curious distinction hath been taken by Sergeant Davenport, between stirring To Sedition, and stirring Up Sedition; for the first implies an inclination only to do it, the second implies an act done. But this is too nice, for if a man stir up Sedition, or to Sedition, if it be with intention of the death of the King, the one and the other is Treason.

12ly. The opinion of Forteſcue in 31. H. 6. 10. b. hath been objected, That for an offence done to the Court, a man may be committed before Conviction. To this I answer, 1. That the Book does not say; That he shall be committed without Bail. 2. The offence being done in face of the Court, the very view of the Court is a Conviction in Law.

13ly. There was objected the 24 of E. 3. 23. Sir Thomas Fitchet's Case, who, for going armed in the Palace, was committed by this Court without Bail or Mainprize; which seems to be the strongest and hardest case that hath been objected. But the answer to it is clear, and undeniable; for the Statute of 2 E. 3. c. 3. is, That if any one come armed before the Justices, he shall forfeit his Armour, and shall be imprisoned during the King's pleasure; so that by the express purview of the Statute, such a man is not bailable. So my conclusion remains firm, notwithstanding any of those objections. That the Prisoner here being committed before conviction of any offence, (it being not possible to understand this offence Treason) is bailable. And that he is bailable here, I will offer two other reasons: 1. The return is here for Sedition; and there is an information in the Star-chamber against the Prisoner, for seditious practises against the King and his Government. I will not affirm, that they are the same offence, but there is some probability that they are the self-same; and if they be the same offence, then the Sedition here intended is not Treason, and so the party is bailable. 2. This Prisoner was ready at this Bar the last Term, and here was a Grand Jury at Bar the last Term, and here was the Kings Council present, who are most watchful for the King; and yet an Indictment was not preferred to them against this Prisoner. Which things induce me to be of opinion, that the offence here mentioned in this Return is not Treason, or so great as is pretended on the other side. I will remember one Case which perhaps may be objected, (and yet I think they will not object it) and so conclude. 11 R. 2. Parliament Roll 14. in the Printed Statute, c. 3. and 5. where it appears, that divers questions were propounded by the King to

to Treſilian and Bealknap, the two Chief Juſtices, and to the other Juſtices: one of which queſtions was, How they are to be puniſhed, who reſiſted the King in exerciſing his Royal power, &c. And the anſwer of the Judges was, una voce, that they are to be puniſhed as Traitors; and 21 R. 2. c. 21. this opinion was confirmed. But afterwards in 1 H. 4. c. 3. and 4. and 1 H. 4. in the Parliament-Roll, numb. 66. 67. the Judges were queſtioned, for their opinion, in Parliament. They anſwered, That they were threatned and enforced to give this opinion, and that they were in truth of the contrary opinion. And Bealknap ſaid, That he acquainted and proteſted to the Earl of Kent aforehand, that his opinion was always to the contrary. But the Parliament was not content with theſe excuſes, but they were all adjudged Traitors; and Treſilian's end is known to all, and Bealknap was baniſhed; for his Wife, in 2 H. 4. brought a Writ, without naming her Husband, becauſe he was baniſh'd. And the ſaid Stat. of 21 R. 2. was repealed. Therefore upon the whole matter I conclude, that the Priſoner ought to be bail'd.

On the ſame day Sir Miles Hubbart, and Benjamin Valentine, and Denſil Hollis Eſquires, were at the Bar, upon an Habeas corpus directed to the ſeveral Priſons; and their Counſel was ready at the Bar to have argued the caſe for them alſo: But becauſe the ſame Return was made as above, they ſaid, That all of them would rely upon this Argument made by Mr. Littleton.

Sir *Robert Heath*, the King's Attorney General, his Argument againſt Mr. *Selden*.

The caſe of the grand Habeas Corpus for Mr. Selden and others, was now argued by Heath, the Kings Atturney General, That this Return was good, and that the parties ought not to be bailed: And that within the Return there appears good cauſe of their commitment, and of their detaining alſo. The caſe is great in expectation and conſequence: and concerns the liberty of the Subject on the one part, whereof the argument is plauſible; and on the other part it concerns the ſafety and ſoveraignty of the King, which is a thing of great weight. The conſideration of both pertains to you the Judges, without ſlighting the one, or too much elevating the other. The Return, which now is before you, is entire; but I will firſt conſider it as divided in parts. Firſt, the firſt Warrant, which is that of the Lords of the Privy Council, is general, that it was by the command of the Lord the King: and this in former times was held a very good return, when due reſpect and reverence was given to Government; but, Tempora mutantur. And this Return is no way weakened by any latter opinion; for notwithſtanding that the firſt commitment of a man may be general: for if upon the Return, the true cauſe ſhould be reveal'd to the Goaler, by this means, faults ſhould be publiſhed and divulged before their puniſhment, and ſo the complices of the fact will eſcape, and it is not fit that the Goaler, which is but a miniſterial Officer, ſhould be acquainted with the ſecrets of the cauſe. But when the cauſe is returned in Court, more certainty is requiſite; for then (as it hath been objected) ſomething ought to be expreſſed to which the party may anſwer, and upon which the Court may ground their Judgment. And to this purpoſe, it hath been much inſiſted upon the Petition of Right; but the Law is not altered by it, but remains as it was before. And this will appear upon the view of all the parts

parts of the Petition. 1. The occaſion of the Petition, and the grievance is ſhewed in theſe words, Divers of your Subjects have been of late impriſoned, without any cauſe ſhewed, &c. But in this Return there is a cauſe ſhewed, to which the parties may anſwer. Then. 2. The prayer of the Petition is, That no freeman, in any ſuch manner as before is mentioned, be impriſoned or detained; that is, ſuch manner of impriſonment, the ground whereof doth not appear. Then the anſwer of the King to the Petition was in ſundry words, 2 Jun. 1628. in theſe words, The King willeth, that right be done according to the Laws and Cuſtoms of the Realm, &c. Which anſwer gave not ſatisfaction. And afterwards his anſwer was in a Parliamentary-phraſe, Soit droit fait come eſt deſire. But afterwards on the 26 of June, 1628. the King expreſſed his intention and meaning in the ſaid Anſwer. It muſt needs be conceived, that I have granted no new, but only confirmed the antient Liberties of My Subjects, &c. A Petition in Parliament is not a Law, yet it is for the Honour and dignity of the King, to obſerve and keep it faithfully; but it is the duty of the People not to ſtretch it beyond the words and intention of the King. And no other conſtruction can be made of the Petition, then to take it as a Confirmation of the antient liberties and rights of the Subjects. So that now the caſe remains in the ſame quality and degree, as it was before the Petition. Therefore we will now conſider, how the Law was taken before the Petition, and for the diſcuſſing thereof, we will examine the ſecond part of the Return, and in it, two things. 1. If the Return, as it is now made, ſhall be intended for true. 2. Admit that it is true, if there be any offence contained within it, which is good to detain the Priſoners. For the firſt, it is clear, that the cauſe ſhall be intended true which is return'd, though in truth it be falſe; and ſo are 9 H. 6. 44. and F. Corpus cum cauſa, 2. & C. 11. Baggs caſe. 2. It ſeems that there is ſuch a crime contain'd in this Return, which is a good cauſe for detaining the Priſoners. It is true, that it was confidently urged in Parliament, in 3 Car. that general Returns, that were committed by the command of the Lord the King, are not good; and that thoſe Arguments remain as Monuments on record, in the Upper Houſe of Parliament; but I will not admit them for Law. But I will remember what was the opinion of former times, 22. H. 6. 52. by Newton, a man committed by the command of the King, is not repleviſable. And the opinion cannot be intended of a Replevin made by the Sheriff, becauſe the principal caſe there is upon a Return in this Court. 33 H. 6. 28. Poyning's caſe, where the Return was, That he was committed by the Lords of the Council, and it was admitted good. It is true, that this opinion is grounded upon Weſt. 1. c. 15. but I will not inſiſt upon it. But the conſtant opinion hath always been, that a man committed by the command of the King is not bailable. In 9 H. 6. 44. it is ſaid, That if one be taken upon the Kings ſuit, the Court will not grant a Superſedeas. The contrary opinion is grounded upon Magna Charta, which is a general Law, and literally hath no ſenſe to that purpoſe; and it is contrary to the uſual practiſe in criminal cauſes, in which the impriſonment is always lawful untill the trial, although it be made by a Juſtice of Peace, or Conſtable. And that a man committed by the command of the King, or Privy Council, is not bailable, he cited

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1 Jacobi,

1 Jacobi, Sir John Brocket's Caſe. 8 Jac. Sir Thomas Ceſar's Caſe. 12 Jac. James Demetrius's Caſe. 43 Eliz. William Rinch's Caſe. And in the Caſe M. 36 Eliz. and 4 and 5 Eliz. Richard Thimelby's Caſe. And ſaid, That there are innumerable Preſidents to this purpoſe. M. 21 and 22 Eliz. upon the return of an Habeas Corpus it appears, that Michael Page was committed by the command of the Lord the King, but was not delivered; and after was arraigned in this Court, and loſt his hand. And at the ſame time, Stubbs was committed by the Command of the Lord the King, for ſeditious words and rumours, and he loſt his hand alſo upon the ſame Trial. M. 17. and 18 Eliz. Upon Habeas Corpus for John Loan, it was returned, That he was committed for divulging ſundry ſeditious Writings, and he was remanded. And 7 H 7. roll. 6. Rug's Caſe; and roll. 13. Chaſe's Caſe, where the Return was, That they were committed by the command of the Lord the King, and they were not delivered: and this was alſo the opinion in this Court, M. 3. Car. and after the ſaid time the Law is not altered, and ſo, I hope, neither are your opinions. But to conſider the particular cauſe mentioned in the Return, I will not relie upon the firſt part of the words, although they be of great weight, but only upon the laſt words, ——— for ſtirring up of Sedition againſt Us ——— But it hath been objected, that Sedition is not a word known in the Law: But I marvel that the ſignification of the word is not underſtood, when it is joyned with the words, ——— againſt Us ——— this ought to be underſtood, Sedition againſt the King, in his politick capacity. [Sedition] hath ſundry acceptations, according to the ſubject handled, as it appears C. 4. Lord Cromwel's Caſe, which hath been cited. If it be ſpoken of a man, that he is ſeditious; if it be of a Company in London, it ſhall be underſtood ſedition in the Company; if it be ſpoken of a Souldier, it ſhall be taken for mutinous. Mr. Littleton, who argued this Caſe very well, ſaid, That Tacitus uſeth this word, and it is true; and he ſays, That there two manners of Seditions, Seditio armata & togata; and the laſt is more dangerous than the former. But couple it with the ſubſequent words here, [againſt Us] the interpretation and ſenſe thereof is eaſie, & loquendum ut vulgus. Mr. Littleton ſhews the acceptation of this word in divers places of Scripture, and I will not reject them, for they make for me: 20 Numb. 3. the Latine is ——populi verſi ſunt in ſeditionem; and it is engliſhed, ——murmuring ——but clearly it was High Treaſon againſt the Governour, and God himſelf. 26 Numb. 9. in ſeditione Corah ——it is manifeſt, that that was a great Inſurrection. 12 Judg. 1. Facta eſt ergo ſeditio in Ephraim, The Ephramites roſe againſt Jephta; and he at the ſame time was their Judge and Governour, ſo it was the heighth of Inſurrection. It is true, that in 15 Acts 2. facta eſt ſeditio; and in ſome Tranſlations it is, Orta eſt repugnantia non parva, for it may be taken in ſeveral ſenſes. 19 Acts 40. The Town-Clerk there knew not how to anſwer for this days ſedition, or inſurrection; and no doubt he was in great peril, for it was a great inſurrection; and I wiſh the greater ones were as circumſpect as he was. 24 Acts 5. Tertullus accuſed Paul of Sedition, and doubtleſs it was conceived a great offence, if you conſider the time and other circumſtances, for they were Heathens and Romans. And although he in very truth taught the Goſpel of God, yet he was taken for a peſtilent fellow, and as a perſwader to ſhake

off Government. Bracton lib. 3. de Corona, c. 2. ranks Sedition amongſt the crimes, læſæ Majeſtatis. But it hath been objected, that if it be a capital offence, it ought to be Felony or Treaſon. To this I ſay, That it cannot be Felony, but it may be Treaſon, for any thing that appears. It is true, that by the Statute of 25 E. 3. Treaſons are declared, and nothing ſhall be ſaid Treaſon, which is not compriſed within the ſaid Statute, unleſs it be declared ſo by Act of Parliament. But upon Indictment of Treaſon, ſuch Sedition as this may be given in evidence, and perhaps will prove Treaſon. And the Return is not, that he was ſeditious, which ſhews only an inclination; but that he ſtirred up ſedition, which may be Treaſon, if the evidence will bear it. In divers Acts of Parliament, notice is taken of this word [Seditio] and it is always coupled with Inſurrection or Rebellion, as appears by the Statute of 5 R. 2. c. 6. 17 R. 2. c. 8. 2 H. 5. c. 9. 8 H. 6. c. 14. 3 & 4 E. 6. c. 5. 2 R. 2. c. 5. 1 and 2 Phil. & Mar. c. 2. 1 Eliz. c. 7. 13 Eliz. c. 2. 23 Eliz. c. 2. 27 Eliz. c. 2. and 35 Eliz. c. 1. all which were cited before, and they prove, that [Sedition] is a word well known in the Law, and of dangerous conſequence, and which cannot be expounded in good ſenſe. Wherefore the nature of the offence, I leave it to the Court. But out of theſe Statutes it appears, that there is a narrow difference between it and Treaſon, if there be any at all:

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3ly. As to the Objections which have been made, I will give a ſhort Anſwer to them. C

1. It was objected, That every impriſonment is either for cuſtody, or puniſhment; the laſt is always after the Judgment given for the offence; and if it be but for cuſtody, the Party upon tender of ſufficient Mainpernors is bailable. I confeſs, that this difference is true, but not in all reſpects; for I deny, that a man is always bailable, when impriſonment is impoſed upon him for cuſtody: For impriſonment is for two intents; the one is, that the Party which had offended, ſhould not avoid the judgment of Law; the ſecond is, that he ſhall not do harm in the interim during his Trial; and the Law is careful in this point. But it hath been ſaid, That although the party be bailed, yet he is impriſoned. I deny that, for ſo is 1 H. 4. 6. If the Party come not at the day, the Bail ſhall be impriſoned; but yet the Bail ſhall not ſuffer the ſame puniſhment which ought to have been inflicted upon the Party; as if it were for Treaſon, the Bail ſhall not anſwer for the fault, but only for the body. Serjeant Berkley did well call a ſeditious man an Incendiary to the Government; and, as commune incendium, is to be reſtrained of his liberty. And he put 22 E. 4. and 22 aſſ. 56. that a mad-man may be reſtrained, to prevent the hurt he would otherwiſe do himſelf and others. A ſeditious man is as a mad-man in the publick ſtate of the Common-wealth, and therefore ought to be reſtrained. And it appears by the Writ, de Leproſo amovendo, that a Leper is to be removed, and, in a manner, impriſoned, for the contagion of the diſeaſe; and this is for the ſafeguard of others, leſt his Leproſie infect others. The application is eaſie, and by the Statute of 1 Jac. c. 33. is reſtrained to keep within doors; and if he go abroad, any man may juſtifie the killing of him. The infection of Sedition is as dangerous as any of theſe diſeaſes, therefore it is not ſafe to let ſeditious men to bail, or at D E F

at liberty, and in dangerous cases, the wisest way is, to make all safe. In all cases of this nature, much is left to the discretion of the Court. The case of M. 9 E. 3. roll. 39.. Russel hath been objected, to be in the point; I have viewed the Record of that case; and although it be verbally, yet it is not materially to this purpose; for the commitment was by a Justice of North-Wales, upon the accusation of an accuser; and it was within a short time after the Statute of 5 E. 3. by which it was ordained, That none should be imprisoned upon the accusation of one accuser: but here the detainment is by the King himself, for stirring up of sedition. And there the Return was, That he was accused of seditions and undecencies, where the latter word doth qualifie the former. And there issued a Writ of good behaviour, (as the use was) to enquire of the truth of the offence; and it was found, that there was no such offence: and then upon the same Return again he was set at liberty; so that the case there was special, and the manner of proceedings special. And I desire that one thing may be observed, that Russel came in here upon the Habeas Corpus, 20 Sept. but was not delivered until Hillary Term following. And for 28 H. 6. the Duke of Suffolk's case which was objected, that the general accusation of divers Treasons was not legal. That is true, because it was in Parliament, and in the nature of an accusation; and being in a Court of Justice, it had been unjust to condemn a man before his Trial; and yet this Court, upon probability of a fault, doth oft-times restrain a man before conviction. But it hath been objected in this case, They have been a long time imprisoned, and no proceedings against them. It is well known, that there have been some proceedings against them, and they declined them; and also more than three moneths is requisite for the preparation of such proceedings, and the King intends to proceed against them in convenient time. And some that were offendors in the same kind, are already delivered, to wit, Mr. Coryton, and Sir Peter Hayman. Therefore if any injury be done to the Prisoners, they themselves are the cause of it, for not submitting themselves to the King. And for the instance which Mr. Littleton used of the Judges in 11 R. 2. although they suffered for their opinions given to the King, I desire, that the time when their opinion was delivered, may be considered, to wit, in the time of R. 2. and the time when they suffered, to wit, in the time of H. 4. And it was the saying of a Noble Gentleman, the Lord Egerton, That Bealknap suffered rather by the potency of his enemies, than the greatness of his offence: And yet it is to be confessed, that they might have given better counsel; but there was no time to dispute of the fulness of their Counsel, when the sword was in the hands of the Conquerour.

It hath been relied upon the resolution of all the Justices of England in 34 Eliz. which resolution is now registred in the Upper House of Parliament, at the request of the Commons, in Tertio Caroli Regis; but I leave it to you, as that resolution shall sway your Judgments. The said resolution is, That the cause ought to be certified in the generality or speciality; and here the general cause is certified at least, if the special be not so; upon the whole matter, the bailment of these prisoners is left to your discretion; and I have shewed to you the discretion of your predecessors. And if any danger appear to you in their bailment, I am confident that ye will not bail them, if any danger may ensue; but first

ye are to conſult with the King, and he will ſhew you where the danger reſts. Therefore upon the whole matter I [illegible], that they be remanded.

When the Court was ready to have delivered their opinions in the Grand Habeas Corpus for Mr. Selden and others, the Priſoners were not brought to the Bar, according to the Rule of the Court; Therefore Proclamation was made, for the Keepers of the ſeveral Priſons, to bring in their Priſoners; but none of them appeared but the Marſhal of the King's Bench, who ſaid, that Mr. Stroud that was in his cuſtody, was removed yeſterday, and put in the Tower of London by the Kings own Warrant, and ſo it was done with the other Priſoners; each of them was removed out of his Priſon, in which he was before. But this notwithſtanding, it was prayed by the Counſel of the Priſoners, that the Court would deliver their opinion for the matter in Law. But the Court refuſed to do that, becauſe it is to no purpoſe; for, the Priſoners being abſent, they could not be bailed, delivered, or remanded.

Note, the laſt day of the Term, a Letter came to the Court from the King Himſelf, the effect whereof was, to inform the Court of the reaſons wherefore the Priſoners were not ſuffered to come at the day appointed, for the reſolution of the Judges.

Trin. 5. *Car.* B. R.

The Caſe of the Grand Habeas Corpus for Mr. Selden and others, was now moved by Maſon to have the reſolution of the Judges; and the Court with one voice ſaid, That they are now content that they ſhall be bailed; but that they ought to find Sureties alſo for the good behaviour. And Jones Juſtice ſaid, That ſo it was done in the Caſe which had been often remembred to another purpoſe, to wit, Ruſſel's Caſe in 9 E. 3. To which Mr. Selden anſwered, (with whom all the other Priſoners agreed in opinion) That they have the Sureties ready for the Bail, but not for the good behaviour; and deſire that the Bail might firſt be accepted, and that they be not urged to the other.

An Information exhibited in the *King's Bench* againſt Sir *John Eliot* and others.

Sir Robert Heath, the Kings Atturney-General, exhibited Information in this Court againſt Sir John Eliot Knight, Denzil Hollis and Benjamin Valentine Eſquires: the effect of which was, That the King that now is, for weighty cauſes, ſuch a day and year, did ſummon a Parliament, and to that purpoſe ſent his Writ to the Sheriff of Cornwal to chooſe Two Knights, by vertue whereof Sir John Eliot was choſen, and returned Knight for Cornwall. And that in the ſame manner, the other Defendants were elect Burgeſſes of other places for the ſame Parliament. And ſhewed further, That Sir John Finch was choſen for one of the Citizens of Canterbury, and was Speaker of the Houſe of Commons. And that the ſaid Eliot publickly and maliciouſly in the Houſe of Commons, to raiſe Sedition between the King, his Nobles, and People, uttered theſe words, That the Council and Judges had all conſpired to trample under foot the Liberties of the Subjects. He further ſhewed, that the King had power to

to Call, Adjourn, and Diſſolve Parliaments: And that the King, for divers reaſons, had a purpoſe to have the Houſe of Commons Adjourned, and gave direction to Sir John Finch, then the Speaker, to move an Adjournment; and if it ſhould not be obeyed, that he ſhould forthwith come from the Houſe to the King. And that the Defendants, by confederacy aforehand, ſpake a long and continued Speech, which was recited verbatim, in which were divers malicious and ſeditious words, of dangerous conſequence. And to the intent that they might not be prevented of uttering their premeditate ſpeeches, their intention was, that the Speaker ſhould not go out of the Chair till they had ſpoken them; the Defendants Hollis and Valentine, lay violent hands upon the Speaker, to the great affrightment and diſturbance of the Houſe. And the Speaker being got out of the Chair, they, by violence, ſet him in the Chair again; ſo that there was a great tumult in the Houſe. And after the ſaid Speeches pronounced by Sir John Eliot, Hollis did recapitulate them. And to this information, the Defendants have put in a Plea to the Juriſdiction of the Court, becauſe theſe offences are ſuppoſed to be done in Parliament, and ought not to be puniſhed in this Court, or in any other, but in Parliament. And the Attorney-General moved the Court, to over-rule the Plea to the Juriſdiction. And that, he ſaid, the Court might do, although he had not demurred upon the Plea. But the Court would not over-rule the Plea, but gave day to joyn in demurrer this Term. And on the firſt day of the next Term, the Record ſhall be read, and within a day after ſhall be argued at Barre. But Hyde, Chief Juſtice, ſaid to the Counſel of the Defendants, So far light we will give you. This is no new queſtion, but all the Judges of England, and Barons of the Exchequer, before now, have oft been aſſembled on this occaſion, and have, with great patience, heard the arguments on both ſides; and it was reſolved by them all with one voice, That an offence committed in Parliament, criminally or contemptuouſly, the Parliament being ended, reſts puniſhable in an other Court. Jones, It is true, that we all reſolved, That an offence, committed in Parliament againſt the Crown, is puniſhable after the Parliament, in another Court; and what Court ſhall that be, but the Court of the Kings Bench, in which the King by intendment ſitteth? Whitlock, The queſtion is now reduced to a narrow room, for all the Judges are agreed, That an offence committed in Parliament againſt the King or his Government, may be puniſhed out of Parliament. So that the ſole doubt which now remains, is, Whether this Court can puniſh it. And Crook agreed, That ſo it had been reſolved by all the Judges, becauſe otherwiſe there would be a failer of Juſtice. And by him, If ſuch an offence be puniſhable in another Court, what Court will puniſh it but this Court, which is the higheſt Court in the Realm for criminal offences? and perhaps not only criminal actions committed in Parliament are puniſhable here, but words alſo.

Maſon of Lincolns-Inne argued for Sir John Eliot, one of the Defendants. The Charges in the Information againſt him are three. *Mr. Maſon's Argument for Sir John Eliot.*

1. For Speeches.
2. For Contempts to the King in reſiſting the Adjournment.
3. For Conſpiracy with the other Defendants, to detain Mr. Speaker in the Chair.

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In the diſcuſſion of theſe matters, he argued much to the ſame intent which he had argued before, upon an Information brought in the Star-chamber againſt the ſame Defendants, and others, for the ſame offences; therefore his Argument is reported here very briefly.

1. For his Speeches, they contain matter of accuſation againſt ſome great Peers of the Realm; and as to them, he ſaid, That the King cannot take notice of them. The Parliament is a Council, and the Grand Council of the King, and Councils are ſecret and cloſe, none other hath acceſs to thoſe Councils of Parliament, and they themſelves ought not to impart them without the conſent of the whole Houſe. A Jury in a Leet, which is ſworn to inquire of offences within the ſaid Juriſdiction, are ſworn to keep their own counſel; ſo the Houſe of Commons enquire of all grievances within the Kingdom, and their Counſels are not to be revealed. And to this purpoſe was a Petition, 2 H. 4. numb. 10. That the King ſhall not give credit to any private reports of their proceedings, To which the King aſſents: therefore the King ought not to give credit to the Information of theſe offences in this caſe. 2. The words themſelves contain ſeveral accuſations of great men; and the liberty of acculation hath always been Parliamentary, 50 E. 3. Parliament-Roll, numb. 21. The Lord Latimer was impeached in Parliament for ſundry offences, 11 R. 2. the Archbiſhop of York, 18 H. 6. numb. 18. the Duke of Suffolk, 1 Mar. Dy. 93. the Duke of Norfolk, 36 H. 6. numb. 60. an Vicar General, 2 & 3 E. 6. c. 18. the Lord Seymer, 18 of King James, the Lord of St. Albans, Chancellor of England; and 21 of King James, Cranfield Lord Treaſurer; and 1 Car. the Duke of Buckingham. 3. This is a privilege of Parliament which is determinable in Parliament, and not elſewhere, 11 R. 2. numb. 7. the Parliament-roll, Petition exhibited in Parliament, and allowed by the the King, That the Liberties and Privileges of Parliament ſhall only be diſcuſſed there, and not in other Courts, nor by the Common, nor Civil-Law, (ſee this Caſe more at large in Selden's Notes upon Forteſcue, f. 42.) 11 R. 2. Roll of the Proceſs and Judgment. An appeal of Treaſon was exhibited againſt the Arch-biſhop of Canterbury and others, and there the advice of the Sages of the one Law and the other being required; but becauſe the Appeal concerned Perſons which are Peers of the Realm, which are not tried elſe-where than in Parliament, and not in an inferiour Court, 28 H. 6. numb. 18. There being a queſtion in Parliament concerning Precedency, between the Earl of Arundel and the Earl of Devon, the opinion of the Judges being demanded, they anſwered that this queſtion ought to be determined by the Parliament, and by no other, 13 H. 6. numb. 25. 26. During the Prorogation of the Parliament, Thorp that was the Speaker, was out in Execution at the Suit of the Duke of York; and upon the re-aſſembly of the Parliament, the Commons made Suit to the King and Lords to have their Speaker delivered. Upon this, the Lords demand the opinion of the Judges; who anſwer, That they ought not to determine the privileges of the High Court of Parliament. 4. This acculation in Parliament is in Legal courſe of Juſtice, and therefore the Acculer ſhall never be impeached, 13 H. 7. and 11 Eliz. Dy. 285. Forging of falſe Deeds brought againſt a Peer of the Realm, Action de ſcandalis Magnatum, nothnot lie. C. 4. 14. Cutler and Dixy's Caſe, where

where divers cases are likewise put to this purpose, 35 H. 6. 15. If upon the view of the body the slayer cannot be found, the Coroner ought to inquire, Who first found the dead body; and if the first finder accuse another of the murder, that is afterward acquit, he shall not have an Action upon the Case, for it was done in Legal manner. So it is the duty of the Commons to enquire of the grievances of the Subjects, and the causes thereof, and doing it in a Legal manner, 19 H. 6. 19. 8. H. 4. 6. in conspiracy it is a good Plea, that he was one of the Indictors, And 20 H. 6. 5. that he was a Grand Jury-man, and informed his Companions. And 21 E. 4. 6, 7. and 35 H. 6. 14. that he was a Justice of Peace, and informed the Jury, 27 ass. p. 12. is to the same purpose. And if a Justice of Peace, the first finder, a Juror, or Indictor, shall not be punished in such cases; à fortiori, a Member of the House of Commons shall not, who, as 1 H. 7. 4. is a Judge. 27 ass. p. 44. may be objected, where two were Indicted of Conspiracy, because they maintained one another; but the reason of the said Case was, because Maintenance is matter forbidden by the Law; but Parliamentary accusation, which is our matter, is not forbidden by any Law. C. 9. 56. there was conspiracy, in procuring others to be Indicted. And it is true, for there it was not his duty to prefer such accusation. (2) The accusation was extra-judicial, and out of Court, but it was not so in our case. (3) Words spoken in Parliament, which is a Superiour Court, cannot be questioned in this Court, which is inferiour. 3. E. 3. 19. and Stamford 153. will be objected, where the Bishop of Winchester was arraigned in this Court, because he departed the Parliament without license; there is but the opinion of Scroop, and the case was entred. P. 3. E. 3. 19. And it is to be observed, that the Plea of the Bishop there, was never over-ruled. From this I gather, that Scroop was not constant to his opinion, which was suddain, being in the same Term in which the Plea was entred; or if he were, yet the other Judges agree not with him; and also at last the Bishop was discharged by the Kings Writ. From this I gather, that the opinion of the Court was against the King, as in Pl. 20. in Fogassa's Case, where the opinion of the Court was against the King, the Party was discharged by Privy Seal. 1 and 2 Phil. & Mar. hath been objected, where an information in this Court was preferred against Mr. Ployden, and other Members of the House of Commons, for departing from the House without licence. But in that case I observe these matters, (1) That this Information depended, during all the life of the Queen, and at last was sine die, by the death of the Queen. (2) In the said Case, no Plea was made to the Jurisdiction of the Court, as here it is. (3) Some of them submitted themselves to the Fine, because it was easie, for it was but 53 s. 4. d. But this cannot be urged as a President, because it never came in judgment, and no opinion of the Court was delivered therein. And it is no argument, that because at that time they would not plead to the jurisdiction, therefore we now cannot if we would. (4) These offences were not done in the Parliament-House, but else-where by their absence, of which the Countrey may take notice; but not of our matters being done in Parliament. And absence from Parliament, is an offence against the Kings Summons to Parliament. 20 R. 2. Parliament-Roll 12. Thomas Hacksey was indicted of High Treason in this Court, for preferring a Pe-

a Petition in Parliament; but 1 H. 4. numb. 90. he preferred a Petition to have this Judgment voided, and ſo it was, although that the King had pardoned him before. And 1 H. 4. numb. 104. all the Commons made Petition to the ſame purpoſe, becauſe this tends to the deſtruction of their Priviledges. And this was likewiſe granted, 4 H. 8. c. 8. Strood's Caſe, That all condemnations impoſed upon one, for preferring of any Bill, ſpeaking, or reaſoning in Parliament, are void. And this hath always been conceived to be a general Act, becauſe the prayers, times, words, and perſons are general, and the anſwer to it is general; for a general Act is always anſwered with, Le Roy voit, and a particular Act with Soit droit fait al partyes. And 33 H. 6. 17, 18. A general Act is always inrolled, and ſo this is. A

2ly. For the ſecond matter, the contempt to the command of the Adjournment, Jac. 18. it was queſtioned in Parliament, whether the King can Adjourn the Parliament, (although it be without doubt that the King can Prorogue it.) And the Judges reſolve, that the King may adjourn the Houſe by Commiſſion; and 27 Eliz. it was reſolved accordingly. But it is to be obſerved, that none was then impeached for moving that queſtion. (2) It is to be obſerved, that they reſolve, that the Adjournment may be by Commiſſion, but not reſolved that it may be by a verbal command, ſignified by another; and it derogates not from the Kings Prerogative, that he cannot ſo do, no more then in the Caſe of 26 H. 8. 8. that he cannot grant one Acre of Land by parol. The King Himſelf may adjourn the Houſe in Perſon, or under the Great Seal, but not by verbal Meſſage, for none is bound to give credit to ſuch meſſage; but when it is under the Great Seal, it is Teſte Meipſo. And if there was no command, then there can be no contempt in the diſobedience of that Command. (3.) In this, no contempt appears by the Information; for the Information is, that the King had power to adjourn Parliaments. Then put caſe the Command be, that they ſhould adjourn themſelves; this is no purſuance of the power which he is ſuppoſed to have. The Houſe may be adjourned two ways, to wit, by the King, or by the Houſe it ſelf; the laſt is their own voluntary act, which the King cannot compel, for, Voluntas non cogitur. B C D

3ly. For the third matter, which is the Conſpiracy: Although this be ſuppoſed to be out of the Houſe, yet the Act is Legal; for Members of the Houſe may adviſe of matters out of the Houſe; for the Houſe it ſelf is not ſo much for conſultations, as for propoſition of them. And 20 H. 6. 34. is, that Inqueſts which are ſworn for the King, may enquire of matters elſewhere. (2) For the Conſpiracy to lay violent hands upon the Speaker, to keep him in the Chair; The Houſe hath priviledge to detain him in the Chair, and it was but lightly and ſoftly, and other Speakers have been ſo ſerved. (3) The King cannot prefer an Information for Treſpaſs, for it is ſaid, The King ought to be informed by a Jury, to wit, by Indictment, or Preſentment. (4) This cannot be any contempt, becauſe it appears not that the Houſe was adjourned; and if ſo, then the Speaker ought to remain in the Chair; for without him, the Houſe cannot be adjourned. But it may be objected, that the Information is, That all theſe matters were done maliciouſly and ſeditiouſly. But to this I anſwer, That this is always to be underſtood according to the ſubject matter, 15 E. 4. 4. and 18. H. 8. 5. A Wife that hath title to have Dower, agrees with an E F

other to enter, (which hath) that she against him may recover her Dower. This shall not be said Covin, because both the Parties have right and title. (2) It will be objected, That if these matters shall not be punishable here, they shall be unpunished altogether, because the Parliament is determined. To this I say, That they may be punished in the subsequent Parliament, and so there shall be no failer of right. And many times matters in one Parliament, have been continued to another, as 4 E. 3. Numb. 16. the Lord Barkley's Case, 50 E. 3. Numb. 185. 21 R. 2. c. 16. 6 H. 6. Numb. 45, 46. 8 H. 4. Numb. 12. offences in the Forest ought to be punished in Eyre, and Eyres oftentimes were not held, but every third Year. C. 9. Epistle, and 36. E. 3. c. 10. A Parliament may be every Year. Error in this Court cannot be reversed but in Parliament. And yet it was never objected, that therefore there shall be a failer of Right. 25 E. 3. c. 2. If a new Case of Treason happen, which is doubtful, it shall not be determined till the next Parliament. So in Westm. 2. c. 28. where a new Case happens, in which there is no Writ, stay shall be made till the next Parliament. And yet in these Cases, there is no failer of Right. And so the Judges have always done in all difficult Cases; they have referred the determination of them to the next Parliament, as appears by 2 E. 3. 6, 7. 1 E. 3. 8. 33. H. 6. 18. 5 E. 2. Dower 145. the Case of Dower of a Rent charge. And 1 Jac. the Judges refuse to deliver their Opinions concerning the Union of the two Kingdoms. The present Case is great, rare, and without president, therefore not determinable but in Parliament. And it is of dangerous consequence; for (1) by the same reason, all the Members of the House of Commons may be questioned. (2) The Parties shall be disabled to make their defence, and the Clerk of Parliament is not bound to disclose those Particulars. And by this means, the debates of a great Council shall be referred to a petty Jury. And the Parties cannot make justification, for they cannot speak those words here, which were spoken in the Parliament, whithout slander. And the Defendants have not means to compel any to be Witnesses for them; for the Members of the House ought not to discover the Counsel of the House: So that they are debarr'd of Justification, Evidence, and Witness. Lastly, by this means, none will adventure to accuse any offender, in Parliament, but will rather submit himself to the common danger; for, for his pains he shall be imprisoned, and perhaps greatly fined: And if both these be unjust, yet the Party so vexed can have no recompence. Therefore, &c.

The Court. The Question is not now, whether these matters be offences, and whether true or false. But, admitting them to be offences, the sole Question is, Whether this Court may punish them; so that a great part of your Argument is nothing to the present Question.

Mr. *Calthrop's* Argument for Mr. *Valentine*.

At another day, being the next, Calthrope argued for Mr. Valentine another of the Defendants.

1. In general, he said, for the Nature of the Crimes, that they are of Four sorts.
   1. In Matter.
   2. In Words.
   3. By Consent.
   4. By Letters.

Two of them are laid to the charge of this Defendant, to wit, The crime of the Matter, and of Conſent. And of offences Bracton makes ſome publick, ſome private. The offences here are publick. And of them, ſome are capital, ſome not capital, as aſſault, conſpiracy, and ſuch like, which have not the puniſhment of life and death. Publick crimes capital are ſuch as are againſt the Law of Nature, as Treaſon, Murder; I will agree, that if they be committed in Parliament, they may be queſtioned elſewhere out of Parliament. But in our caſe, the crimes are not capital, for they are aſſault and conſpiracy, which in many caſes may be juſtified as appears by 22 H. 7. Keilw. 92. 2. aſſ. 3 H. 4. 10. 22 E. 4. 43. Therefore this Court ſhall not have juriſdiction of them, for they are not againſt the Law of Nations, of God, or Nature; and if theſe matters ſhall be examinable here, by conſequence all the actions of Parliament-men may be drawn in queſtion in this Court. But it ſeems by theſe reaſons, that this Cort ſhall not have juriſdiction, as this caſe is:

1. 1. Becauſe theſe offences are juſtifiable, being but the bringing the Speaker to the Chair, which alſo perhaps was done by the Votes of the Commons; but if theſe matters ſhall be juſtified in this Court, no tryal can be, for upon iſſue of his own wrong, he cannot be tried, becauſe acts done in the Houſe of Commons are of Record, as it was reſolved in the Parliament, 1 Jac. and 16 H. 7. 3. C. 9. 31. are, that ſuch matters cannot be tried by the Country. And now they cannot be tried by Record; becauſe, as 29 H. 8. Dy. 32. is an inferior Court cannot write to a ſuperior. And no Certiorari lies out of the Chancery, to ſend this here by Mittimus, for there was never any preſident thereof; and the Book of the Houſe of Commons, which is with their Clerk, ought not to be divulged. And C. Little. is, that if a man be indicted in this Court for Piracy committed upon the Sea, he may way well plead to the juriſdiction of this Court, becauſe this Court cannot try it.

2. 2. It appears by the old Treatiſe, de modo tenendi Parliamentum. that the Judges are but aſſiſtants in the Parliament; and if any Words or Acts are made there, they have no power to contradict or controul them. Then it is incongruous, that they, after the Parliament diſſolved, ſhall have power to puniſh ſuch Words or Acts, which at the time of the ſpeaking or doing, they had not power to contradict. There are Superiour, Middle, and more Inferiour Magiſtrates; and the Superiour ſhall not be ſubject to the controul of the Inferiour. It is a poſition, that in pares eſt nullum impetium, multo minus in eos, qui magis imperium habent. C. Littl. ſays, That the Parliament is the Supreme Tribunal of the Kingdom, and they are Judges of the Supreme Tribunal; therefore they ought not to be queſtioned by their Inferiours.

3. (3) The offences objected do concern the Priviledges of Parliament, which priviledges are determinable in Parliament; and not elſewhere, as appears by the Preſidents which have been cited before.

4. (4) The Common Law hath aſſigned proper Courts for matters, in reſpect of the place and perſons; 1. For the place, it appears by 11 E. 4. 3. and old Entries, 101. that in an Ejectione firmæ, it is a good plea, that the Land is ancient demeaſne, and this excludes all other Courts. So it is for Land in Durham, old Entries, 419. for it is queſtionable there, and not out of the County. 2. For perſons, H. 15. H. 7. rol. 93. old Entries, 47. If a Clerk of the Chancery be impleaded in this Court, he may plead his priviledge, and ſhall not anſwer. So it is of a Clerk of

of the Exchequer, old Entries, 473. then much more when offences are done in Parliament, which is exempt in ordinary Jurisdiction, they shall not be drawn into Question in this Court. And if a Man be Indicted in this Court, he may plead Sanctuary, 22 H. 7. Keilw. 91. and 22. and shall be restored, 21 E. 3. 60. The Abbot of Bury's Case is to the same purpose. (5) For any thing that appears, the House of Commons had approved of these Matters, therefore they ought not to be questioned in this Court. And if they be offences, and the said House hath not punished them, this will be a casting of imputation upon them. (6) It appears by the old Entries, 446, 447. that such an one ought to represent the Borough of St. Jermans, from whence he was sent, therefore he is in nature of an Ambassador, and he shall not be questioned for any thing in the execution of his Office, if he do nothing against the Law of Nature or Nations, as it is the case of an Ambassador. In the time of Quæn Elizabeth, the Bishop of Ross in Scotland, being Ambassador here, attempted divers matters against the State; and by the opinion of all the Civilians of the said time, he may be questioned for those offences, because they are against the Law of Nations and Nature; and, in such matters, he shall not enjoy the priviledges of an Ambassador. But if he commit a civil offence, which is against the Municipal Law only, he cannot be questioned for it, as Bodin. de Republica, agrees the case. Upon the Statute of 28 H. 8. c. 15. for Trial of Pirats, 13 Jac. the case fell out to be thus. A Jew came Ambassador to the United Provinces, and in his journey he took some Spanish Ships, and after was driven upon this coast; And agreed upon the said Statute, that he cannot be tried as a Pirat here by Commission, but he may be questioned civiliter in the Admiralty: For, Legati suo Regi soli judicium faciunt. So Ambassadors of Parliament, soli Parliamento, to wit, in such things, which of themselves are justifiable. (7) There was never any president, that this Court had punished offences of this Nature, committed in Parliament, where any plea was put in, as here it is to the jurisdiction of the Court; and where there is no president, non-usage is a good Expositor of the Law. Lord Littl. Section 180. Co. Littl. f. 81. says, As Usage is a good interpreter of the Laws, so Non-usage, where there is no example, is a great intendment, that the Law will not bear it. 6 Eliz. Dy. 229. upon the Statute of 27 H. 8. of Inrolments, That bargain and sale of a House in London ought not to be enrolled; the reason there given is, Because it is not used. 23 Eliz. Dy. 376. No error lies here of a Judgment given in the Five Ports, because such Writ was never seen; yet in the diversity of Courts it is said, That Error lies of a Judgement given in the Five Ports, 39 H. 6. 39. by Ashton, that a Protection to go to Rome never was seen, therefore he disallowed it. (8) If this Court shall have Jurisdiction, the Court may give judgment according to Law, and yet contrary to Parliament Law, for the Parliament in divers cases hath a peculiar Law. Notwithstanding the Statute of 1 H. 5. c. 1. that every Burgess ought to be Resident within the Burrough of which he is Burgess, yet the constant usage of Parliament is contrary thereunto; and if such matter shall be in question before ye, ye ought to adjudge according to the Statute, and not according to their usage. So the House of Lords hath a special Law also, as appears by 11 R. 2. the Roll of the Process and

5. 6. *Camden's Brit.* 449. 7. 8.

Judgment, (which hath been cited before to another purpose) where an appeal was not according to the one Law or th' other, yet it was
9. good according to the course of Parliament. (9) Because this matter is brought in this Court by way of Information, where it ought to be by way of Indictment. And it appears by 41 Ass. p. 12. that if a Bill of Deceit be brought in this Court, where it ought to be by Writ, this matter may be pleaded to the Jurisdiction of the Court, because it is vi & armis, and contra pacem. It appears by all our Books, that A
informations ought not to be grounded upon surmises, but upon matter of Record, 4 H. 7. 5. 6 E. 6. Dy. 74. Information in the Exchequer, and 11 H. 8. Keilw. 101 are to this purpose. And if the matter be vi & armis, then it ought to be found by Enquest, 2 E. 3. 1, 2. Appeal shall not be granted upon the Return of the Sheriff, but the King ought to be certified of it by Indictment, 1 H. 7. 6. and Stamf. f. 95. a. upon the Statute of 25 E. 3. c. 4. that none shall be imprisoned but upon Indictment or Presentment; and 28 E. 3. c. 3. 42 E. 3. c. 3. B
are to the same purpose. So here, this Information ought to have been grounded upon Indictment, or other matter of Record, and not
10. upon bare intelligence given to the King. (10) The present case is great and difficult, and in such cases, the Judges have always outed themselves of Jurisdiction, as appears by Bracton, Book 2. f. 1. Si aliquid novi non usitatum in Regno acciderit, 2 E. 3. 6, 7. and Dower 242.

C

Now I will remove some Objections which may be made.

1. Objection. Where the King is Plaintiff, it is in his Election to bring his Action in what Court he pleases. This is true in some sence, to wit, That the King is not restrained by the Satatute of Magna Charta, Quod communia placita non sequantur Curiam nostram; for he may bring his Quare impedit in B. R. And if it concerns Durham, or other County Palatine, yet the King may have his Action here; for the said Courts are created by Patent, and the King may not be restrained by Parliament, or by his own Patent, to bring his Action where he pleaseth. D
But the King shall not have his Action where he pleaseth against a prohibition of the Common Law, as 12 H. 7. Keilvv. 6. the King shall not have a Formedon in Chancery. And C. 6. 20. Gregory's Case, If the King will bring an Information in an inferiour Court, the party may plead to the Jurisdiction. So where the Common Law makes a prohibition, the King hath not Election of his Court.

2. Object. The Information is contra formam Statuti, which Statute, as I E
conceive, is intended the Statute of 5 H. 4. c. 6. and 11 H. 6. c. 11. which gives power to this Court to punish an assault, made upon the servant of a Knight of Parliament. But our Case is not within those Statutes, nor the intent of them; for it is not intendible, that the Parliament should disadvantage themselves, in point of their Priviledge. And this was a Trespass done within the House, by Parliament-men, amongst themselves. And Crompton's Jurisdiction of
Courts, f. 8. saith, That the Parliament may punish Trespasses F
done there.

3. Object. Presidents have been cited of Parliament-men, imprisoned and punished for matters done in Parliament. To this I say, That there is Via juris, and Via facti; and Via facti is not always Via juris. C. 4. 93. Presidents are no good directions, unless they be judicial.

Other-

Otherwiſe there will be a failer of Juſtice, wrongs ſhall be unpuniſhed. To this I anſwer, That a miſchief is oft-times rather ſufferable than an inconvenience, to draw in queſtion the Priviledges of Parliament. By the ancient Common Law, as it appears by 21 E. 3. 23. and 21 aſſ. if an Infant bring an Appeal, the Suit ſhall be ſtaied during his Infancy; becauſe the Party cannot have his Trial by Battail againſt the Infant; but the Law is now held otherwiſe in the ſaid Caſe. And in ſome Caſes, criminal offences ſhall be diſpuniſhed, 29 H. 8. Dy. 40. Appeal of Murder lies not for Murder done in ſeveral Counties. 4. Object.

This Court of B. R. is coram ipſo Rege, the King himſelf, by intendment, is here in Perſon. And, as it is ſaid, C. 9. 118. it is Supremum Regni Tribunal, of ordinary Juriſdiction. But to this I ſay, That the Parliament is a tranſcendent Court, and of tranſcendent Juriſdiction, it appears by 28 aſſ. p. 52. that the ſtyle of other Courts is coram Rege, as well as this is, as coram Rege in Cancellaria, coram Rege in Camera; and though it be coram Rege, yet the Judges give the Judgement. And in the time of H. 3. in this Court, ſome Entries were coram Rege; others, Coram Hugone de Bigod. 5. Object.

The Priviledges of Parliament are not queſtioned, but the conſpiracies and miſdemeanors of ſome of them. But to this I ſay, that the diſtinction is difficult and narrow in this caſe, where the offences objected are juſtifiable: and if they be offences, this reflects upon the Houſe, which hath not puniſhed them. 6. Object.

The caſes of 3 E 3. 19. and 1 and 2 Phil. & Mar. have been objected. But for the laſt it is obſervable, That no plea was pleaded to the Juriſdiction, as it is in our caſe. And if a Parliament-man or other, which hath priviledge, be impleaded in foreign Court, and neglect his plea to the Juriſdiction, the Court may well proceed, 9 H. 7. 14. 36 H. 6. 34. H. 13 Jac. In this Court the Lord Norreys, that was a Peer of Parliament, was indicted in this Court for the Murder of one Bigod, and pleaded his pardon. And there it was doubted, how the Court ſhould proceed againſt him, (for he, by the Law, ought to have his Trial by his Peers.) And it was reſolved, that when he pleads his pardon, or confeſſeth his fault, thereby he gives Juriſdiction to the Court, and the Court may give Judgment againſt him. So that theſe Caſes, where it was not pleaded to the Juriſdiction, can be no preſident in our caſe. 7. Object.

The Priviledge here is not claimed by Preſcription or Charter, therefore it is not good. But I ſay, that notwithſtanding this, it is good; for where the Common Law outs a Court of Juriſdiction, there needs no Charter or Preſcription, 10 H. 6. 13. 8 H. 8. Keilw. 189. Br. n. c. 515. Where Sanctuary of a Church is pleaded, there's no need to make Preſcription, becauſe every Church is a Sanctuary by the Common Law. Therefore, &c. 8. Object.

Heath, the Kings Attorney, the ſame day argued on the other ſide, but briefly. Firſt, he anſwered the Objections which had been made. Sir *Robert Heath*'s Argument againſt Sir *John Eliot*.

Firſt, he ſaid, That Informations might well be for matters of this nature, which are not capital; and that there are many preſidents of ſuch informations. (But note, that he produced none of them.)

2ly. It hath been objected, That they are a Council, therefore they ought to ſpeak freely. But ſuch ſpeeches which are here pronounced, prove

prove them not Counsellors of State, but Bedlams; the addition of one word would have made it Treason, to wit, Proditorie. But it is the pleasure of the King to proceed in this manner, as now it is. And there is great difference between Bills and Libels, and between their proceedings, as Counsel and as mutinous.

3. 3ly. That it would be of dangerous consequence; for by this means, none would adventure to complain of grievances. I answer, They may make their complaints in Parliamentary manner, but they may not move things, which tend to distraction of the King and his Government. A

4. 4ly. These matters may be punished in following Parliaments. But this is impossible, for following Parliaments cannot know with what mind these matters were done. Also the House of Commons is not a Court of Justice of it self. The two Houses are but one Body, and they cannot proceed criminally to punish crimes, but only upon their Members by way of imprisonment; and also they are not a Court of Record. And they have forbid their Clerk to make Entry of their Speeches, but only of matters of course; for many times they speak upon the sudden, as occasion is offered. And there is no necessity, that the King should expect a new Parliament. The Lords may grant Commissions to determine matters after the Parliament ended; but the House of Commons cannot do so. And also a new House of Commons consists of new Men, which have no conusance of these offences. 1 H. 4. The Bishop of Carlisle, for words spoken in the Parliament, that the King had not Right to the Crown, was arraigned in this Court of High Treason; and then he did not plead his priviledge of Parliament, but said, That he was Episcopus unctus, &c. B C

5. 5ly. 4 H. 8. Strode's Case hath been objected. But this is but a particular act, although it be in Print; for Rastal entitles it by the name of Strode; so the Title, Body, and Proviso of the Act are particular.

6. 6. That this is an inferiour Court to the Parliament, therefore, &c. To this I say, That, even sitting the Parliament, this Court of B.R. and other Courts, may judge of their priviledges, as of a Parliament-man put in execution, &c. and other cases. It is true, that the Judges have oft-times declined to give their Judgment upon the Priviledges of Parliament, sitting the Court. But from this it follows not, that when the offence is committed there, and not punished, and the said Court dissolved, that therefore the said matter shall not be questioned in this Court. D

7. 7ly. By this means the Priviledges of Parliament shall be in great danger, if this Court may judge of them. But I answer, That there is no danger at all; for this Court may judge of Acts of Parliament. E

8. 8ly. Perhaps these matters were done by the Votes of the House; or, if they be offences, it is an imputation to the House to say, That they had neglected to punish them; but this matter doth not appear. And if the truth were so, these matters might be given in evidence.

9. 9ly. There is no president in this case, which is a great presumption of Law. But to this I answer, That there was never any president of such a fact, therefore there cannot be a president of such a Judgment. And yet in the time of Queen Elizabeth, it was resolved by Brown, and many other Justices, that offences done in Parliament may be punished out of Parliament, by imprisonment or otherwise. And the F

Case

Caſe of 3 E. 3. 19. is taken for good Law by Stamf. and Fitzh. And 22 E. 3. and 1 Mar. accord directly with it. But it hath been objected, that there was no plea made to the Juriſdiction. But it is to be obſerved, that Ployden that was a Learned Man, was one of the Defendants, and he pleaded not to the Juriſdiction, but pleaded Licenſe to depart. And the ſaid Information depended during all the Reign of Queen Mary, during which time there were four Parliaments, and they never queſtioned this matter.

A But it hath been further objected, That the ſaid Caſe differs from our Caſe, becauſe that there the offence was done out of the Houſe, and this was done within the Houſe. But in the ſaid Caſe, if Licenſe to depart be pleaded, it ought to be tryed in Parliament, as well as theſe offences here. Therefore, &c.

And the ſame day the Judges ſpake briefly to the Caſe, and agreed B with one voice, that the Court as this caſe is, ſhall have Juriſdiction, although that theſe offences were committed in Parliament.

C

D

E *After-*

F

Afterwards the Parliament which met the Third of November, 1640. *upon Report made by Maſter Recorder* Glyn, *of the ſtate of the ſeveral and reſpective Caſes of Mr.* Hollis, *Mr.* Selden, *and the reſt of the Impriſoned Members of the Parliament in* Tertio Caroli, *touching their extraordinary Sufferings, for their conſtant affections to the Liberties of the Kingdom, expreſſed in that Parliament; and upon Arguments made in the Houſe thereupon, did upon the Sixth of* July, 1641. *paſs theſe enſuing Votes; which, in reſpect of the reference they have in theſe laſt mentioned proceedings, we have thought fit, though out of order of time, to inſert,* viz.

July 6. 1641.

1. *Reſolved upon the Queſtion,* That the iſſuing out of the Warrants from the Lords and others of the Privy Council, compelling Mr. *Hollis,* and the reſt of the Members of that Parliament, 3 *Car.* during the Parliament, to appear before them, is a breach of the Priviledge of Parliament by thoſe Privy Counſellers.

2. *Reſolved, &c.* That the committing of Mr. *Hollis,* and the reſt of the Lords, and others of the Privy Council, during the Parliament, is a breach of the Priviledge of Parliament by thoſe Lords, and others.

3. *Reſolved, &c.* That the ſearching and ſealing of the Chamber, Study, and Papers of Mr. *Hollis,* Mr. *Selden,* and Sir *John Eliot,* being Members of this Houſe, and during the Parliament, and iſſuing of Warrants to that purpoſe, was a breach of the Priviledge of Parliament, and by thoſe that executed the ſame.

4. *Reſolved, &c.* That the exhibiting of an Information in the Court of *Star-chamber,* againſt Mr. *Hollis* and the reſt, for matters done by them in Parliament, being Members of Parliament, and the ſame ſo appearing in the Information, is a breach of the Priviledge of Parliament.

5. *Reſolved, &c.* That Sir *Robert Heath,* and Sir *Humphrey Davenport,* Sir *Hennage Finch,* Mr. *Hudſon,* and Sir *Robert Berkly,* that ſubſcribed their names to the Information, are guilty thereby of the breach of Priviledge of Parliament.

6. *Reſolved, &c.* That there was delay of Juſtice towards Mr. *Hollis,* and the reſt that appeared upon the *Habeas Corpus,* in that they were not bailed in *Eaſter* and *Trinity Term,* 5 *Car.*

7. *Reſolved, &c.* That Sir *Nicholas Hide,* then Chief Juſtice of the *Kings Bench,* is guilty of this delay.

8. *Reſolved, &c.* That Sir *William Jones,* being then one of the Juſtices of the Court of *Kings Bench,* is guilty of this delay.

9. *Reſolved, &c.* That Sir *James Whitlock* Knight, then one of the Juſtices of the Court of *Kings Bench,* is not guilty of this delay.

Ordered, That the further debate of this ſhall be taken into conſideration on to morrow morning.

July 8. 1641.

10. *Reſolved upon the Queſtion,* That Sir *George Crook* Knight, then one of the Judges of the *Kings Bench,* is not guilty of this delay.

11. That the continuance of Mr. *Hollis,* and the reſt of the Members of Parliament, 3 *Car.* in Priſon, by the then Judges of the *Kings Bench,* for

for not putting in Sureties of the Good-behaviour, was without juſt or legal cauſe.

That the exhibiting of the Information againſt Mr. *Hollis*, Sir *John Eliot*, and Mr. *Valentine*, in the *Kings Bench*, being Members of Parliament, for matters done in Parliament, was a breach of the Priviledge of Parliament. 12.

That the over-ruling of the Plea, pleaded by Mr, *Hollis*, Sir *John Eliot*, and Mr. *Valentine*, upon the Information to the Juriſdiction of the Court, was againſt the Law, and Priviledge of Parliament. 13.

That the Judgment given upon a *Nihil Dicit*, againſt Mr. *Hollis*, Sir *John Eliot*, and Mr. *Valentine*, and Fine thereupon impoſed, and their ſeveral impriſonments thereupon, was againſt the Law and Priviledge of Parliament. 14.

That the ſeveral proceedings againſt Mr. *Hollis*, and the reſt, by committing them, and proſecuting them in the *Star-Chamber*, and in the *Kings Bench*, is a grievance. 15.

That Mr. *Hollis*, Mr. *Stroud*, Mr. *Valentine*, and Mr. *Long*, and the Heirs and Executors of Sir *John Eliot*, Sir *Miles Hubbard*, and Sir *Peter Heyman*, reſpectively ought to have reparation for their reſpective damages and ſufferings, againſt the Lords and others of the Council, by whoſe Warrants they were apprehended and committed, and againſt the Council that put their hands to the Information in the *Star-Chamber*, and againſt the Judges of the *Kings Bench*. 16.

That Mr. *Laurence Whitaker*, being a Member of the Parliament, 3 *Car.* entring into the Chamber of Sir *John Eliot*, being likewiſe a Member of the Parliament, ſearching of his Trunks and Papers, and ſealing of them, is guilty of the breach of the Priviledge of Parliament, this being done before the diſſolution of Parliament. 17.

Reſolved upon the Queſtion, That Mr. *Laurence Whitaker* being guilty of the breach of the Priviledges as aforeſaid, ſhall be ſent forthwith to the *Tower*, there to remain a Priſoner during the pleaſure of the Houſe. 18.

Mr. *Whitaker* was called down, and kneeling at the Bar, Mr. *Speaker* pronounced this Sentence againſt him accordingly.

Mr. *Whitaker* being at the Bar, did not deny, but that he did ſearch and ſeal up the Chamber, and Trunk, and Study of Sir *John Eliot*, between the Second and Tenth of *March*, during which time the Parliament was adjourned: But endeavoured to extenuate it, by the confuſion of the times, at that time; the length of the time ſince that crime was committed, being Thirteen years; the command that lay upon him, being commanded by the King and Twenty three Privy Counſellors.

Afterwards Mr. *Recorder* Glin *made a farther Report to the Houſe of Commons*, viz.

HE likewiſe reported the ſtate of the Caſe, concerning the Loſſes of Damages, Sufferings and Impriſonments, ſuſtained and undergone by Mr. *Vaſſel*, for denying to pay Tunnage and Poundage, (not granted by Act of Parliament) in obedience to a Declaration and Vote of this Houſe. The Warrant, which iſſued and was ſubſcribed by Twelve Privy Counſellers, to ſummon Nine of the Members of the Houſe of Commons, in the Parliament of *Tertio Caroli*, to appear before them during the Parliament, *viz.* Mr. *William Stroud*, Mr. *Benjamin Valentine*, Mr. *Hollis*, Sir *John Eliot*, Mr. *Selden*, Sir *Miles Hubbard*, Sir *Peter Heyman*, Mr. *Walter Long*, and Mr. *William Coriton*, bearing date *Tertio Martii*, *Quarto Caroli*; and the names of the Twelve Privy

Counſellors that ſigned this Warrant were read. The Parliament being adjourned the ſecond of *March*, to the tenth of *March*, and then diſſolved.

The Warrants under the hands of Sixteen Privy Counſellors, for committing of Mr. *Denzil Hollis*, Sir *John Eliot*, Mr. *John Selden*, Mr. *Benjamin Valentine*, and Mr. *William Coriton*, cloſe Priſoners to the *Tower*, bearing date, *Quarto Martii*, *Quarto Caroli*, during the Parliament, were read. And the names of the Privy Counſellors that ſubſcribed them, were read. The Warrants under the hands of Twenty two Privy Counſellors, directed to *William Boſwel* Eſq; to repair to the Lodgings of *Denzil Hollis* Eſq; and to *Simon Digby* Eſq; to repair to the Lodgings of Mr. *John Selden*, and to *Laurence Whitaker* Eſq; to repair to the Lodgings of Sir *John Eliot*, requiring them to ſeal up the Trunks, Studies and Cabinets, or any other thing that had any Papers in them, of the ſaid Mr. *Hollis*, Mr. *John Selden*, and Sir *John Eliot*, were read, and likewiſe the names of the Privy Counſellers that ſubſcribed the ſaid Warrants. A Warrant under the hands of Thirteen Privy Counſellers, for the commitment of Mr. *William Stroud* cloſe Priſoner to the *Kings Bench*, bearing date 2 *April*, 1628. was read, and the names of the Privy Counſellers that ſubſcribed it: The like Warrant was for the commitment of Mr. *Walter Long* cloſe Priſoner to the *Marſhalſea*. A B

The humble Memorial of the Loſſes, Damages, Sufferings, and Impriſonment ſuſtained and undergone by Alderman *Richard Chambers*, for denying to pay Tunnage and Poundage, (not granted by act of Parliament) in obedience to a Declaration, and Vote of this Houſe, was this day read.

Ordered, That it be referred to the Committee for the Members of *Tertio Caroli*, where Mr. Recorder hath the Chair; and the Committee of the Navy joyned as to this buſineſs, to conſider of the Memorial of the Loſſes, Damages, Sufferings and Impriſonments, ſuſtained and undergone by Alderman *Richard Chambers* for his denying to betray the Liberty of the Subject, in paying the Illegal Tax of Tunnage and Poundage, (not granted by Act of Parliament) in obedience to a Declaration and Order of this Houſe. And the Committee are to make Report on *Monday* fortnight. C

Reſolved, &c. That Mr. *Hollis* ſhall have the ſum of Five thouſand pounds, for his Damages, Loſſes, Impriſonments and Sufferings, ſuſtained and undergone by him, for his ſervice done to the Common-wealth in the Parliament of *Tertio Caroli*. D

Reſolved, &c. That Mr. *John Selden* ſhall have the ſum of Five thouſand pounds, for his Damages, Loſſes, Impriſonments and Sufferings, ſuſtained and undergone by him, for his ſervice done to the Common-wealth in the Parliament of *Tertio Caroli*.

Reſolved, &c. That the ſum of Five thouſand pounds be aſſigned for the Damages, Loſſes, Impriſonments and Sufferings ſuſtained and undergone by Sir *John Eliot*, for his ſervice done to the Common-wealth in the Parliament of *Tertio Caroli*, to be diſpoſed of in ſuch manner as this Houſe ſhall appoint. E

Reſolved, &c. That the ſum of Two thouſand pounds, part of Four thouſand pounds, paid into the late Court of *Wards and Liveries*, by the Heirs of Sir *John Eliot*, by reaſon of his Marriage with Sir *Daniel Norton's* Daughter, ſhall be repaid to Mr. *Eliot*, out of the Arrears of Moneys, payable into the late Court of *Wards and Liveries*, before the taking away of the ſaid late Court. F

Ordered, That it be referred to the Committee who brought in this Report, to examine the Decree made in the late Court of *Wards and Liveries*, concerning the Marriage of Sir *John Eliot's* Heir with Sir *Daniel Norton's* Daughter; and what Moneys was paid by reaſon of the ſaid Decree, and by whom; and to report their opinion thereupon to the Houſe.

Ordered,

Ordered, That it be referred to the Committee of the *Tower* to examine after what manner Sir *John Eliot* came to his death, his uſage in the *Tower*, and to view the Rooms and Places where he was impriſoned, and where he died, and to report the ſame to the Houſe.

Reſolved, &c. That the ſum of Five thouſand pounds ſhall be paid unto the of Sir *Peter Heyman*, for the Damages, Loſſes, Sufferings, and Impriſonments, ſuſtained and undergone by Sir *Peter* A *Heyman*, for his ſervice done to the Common-wealth in the Parliament in *Tertio Caroli.*

Reſolved, &c. That Mr. *Walter Long* ſhall have the ſum of Five thouſand pounds paid unto him, for the Damages, Loſſes, Sufferings, and Impriſonment, ſuſtained and undergone by him, for his ſervice done to the Common-wealth in the Parliament of *Tertio Caroli.*

Reſolved, &c. That the ſum of Five thouſand pounds ſhall be aſſigned for the Damages, Loſſes, Sufferings, and Impriſonment, ſuſtained and undergone B by Mr. *Stroud* (late a Member of this Houſe) deceaſed, for ſervice done by him to the Common-wealth in the Parliament of *Tertio Caroli.*

Reſolved, &c. That Mr. *Benjamin Valentine* ſhall have the ſum of Five thouſand pounds paid unto him, for the Damages, Loſſes, Sufferings, and Impriſonments ſuſtained and undergone by him for his ſervice done to the Common-wealth in the Parliament of *Tertio Caroli.*

Reſolved, &c. That the ſum of Five hundred pounds ſhall be beſtowed and diſpoſed of, for the erecting a Monument to Sir *Miles Hobert*, a Member of the C Parliament of *Tertio Caroli*, in memory of his ſufferings for his ſervice to the Common-wealth in the Parliament of *Tertio Caroli.*

Reſolved, &c. That Mr. *Samuel Vaſſel* ſhall have the ſum of Ten thouſand four hundred forty five pounds twelve ſhillings two pence paid him for his Loſſes and Damages ſuſtained, for denying to pay Tunnage and Poundage, (not granted by Act of Parliament) in purſuance and Obedience to a Declaration and Vote of this Houſe.

Reſolved, &c. That this Houſe doth declare, that they will in due time take D Mr. *Vaſſel* into further conſideration for his Impriſonment and Perſonal Sufferings.

Ordered, That it be recommitted to the Committee, who brought in this Report, to conſider, how the ſeveral ſums of Money this day ordered to be paid for Damages to the ſeveral Members, and others before named, for their Sufferings in the ſervice of the Common-wealth, may be raiſed.

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